

APPLICATION FORM

~~46~~
1663200

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

2. _____ Conditional Use Permit _____ Variance _____ Appeal _____

^{addition} Change in Non-Conforming Use

3. Applicant's Name Richard A. Brueggemann, Esq.

Applicant's Address 250 Grandview Dr. Ste 500

Ft. Mitchell Kentucky 41017

City State Zip

Phone Number (859) 344-1188 Fax No. (859) 578-3869 E-Mail rbrueggemann@hemmerlax.com

4. Description of Request: Addition in non-conforming use, currently the use is heavy trucking/repair/excavation. Seeking to add towing/impound with building

5. Name of Development RBI parking and fencing additions

6. Location of Development 15487 Lebanon Crittenden Road

7. Acreage Under Review 7.13 acres +/-

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property Ray Branscum

Address of Property Owner 15487 Lebanon Crittenden Road

10. Verona Kentucky 41092

City State Zip

Phone Number (859) 743-0927 Fax No. _____ E-Mail _____

11. Proposed Use(s) on Site repair/towing-impound

12. Total Square Footage of Existing and/or Proposed Buildings 6156 +/-

13. Current Zoning on Property RSE

14. Deed Book 1001 Page No. 376 Group No. 2088

15. Is the site subject to a zone change? N/A

If yes, give date of approval N/A

16. Have you submitted a Site Plan with this request? No

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.

ORIGINAL Property Owner's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 8-19-13 Fee Received \$632⁰⁰ Receipt # 67478
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ Approved
_____ Approved with Conditions (See #6)
10/9/13 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: SEE 9/11/13 + 10/9/13
MEETING MINUTES

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: Richard A. Brueggemann, Esq. for Ray Branscum

LOCATION: 15487 Lebanon Crittenden Road, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: September 11, 2013

PROPOSAL

The applicant has submitted a change in nonconforming use application to allow the following:

1. A heavy trucking, truck repair, and excavation business to be converted to a truck and automotive repair business with towing and impounding. Impounded vehicles could remain on site for thirty (30) days or more.
2. Allow building, parking, and fencing additions which have already been made to remain.
 - A. The former repair shop was approximately 30' x 50' (1,500 square feet) and was replaced with a 60' x 76' (4,560 square feet) last year. The new repair shop contains four service bays.
 - B. Fill has been brought into the site and the parking lot has been expanded towards the rear of the site. The entire parking lot has been surfaced with gravel.
 - C. A 6' tall metal fence and an access gate have been added to secure the repair and impounding facility. An additional 61' x 95' chain link fence compound has also been constructed to secure the impound lot. The chain link fence compound is also 6' tall.

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to act on applications for changes in non-conforming use.

Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Section 272 of the Boone County Zoning Regulations states "where, at the time of the 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."

KRS 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

2. The board of adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Section 273 of the Boone County Zoning Regulations states that 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 245-254, 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 in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.

Section 4000 of the Boone County Zoning Regulations defines a junkyard 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 nonoperational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard. An automobile wrecking yard is considered as a junkyard.

RELEVANT HISTORY

On January 29, 2004, Boone County Planning Commission issues a Zoning Permit for a 30' x 60' pole barn to be constructed on the property. The approval indicates that the structure is not to be used for business purposes.

On June 26, 2009, a realtor inquired if the non-conforming use on the property can be changed from an excavating and trucking business to a landscaping nursery. The Zoning Administrator writes a response indicating that more information will need to be provided before he determines the excavating and trucking business is a pre-existing nonconforming use (see attachments).

On January 31, 2012 Mr. Branscum bought the subject property.

On October 4 2012, an attorney inquires if a towing and impounding business can occupy the property. The Zoning Administrator writes a response indicating that this type of business is not permitted in the RSE zoning district. He acknowledges that a previous claim was made regarding a non-conforming use but it was never substantiated with credible documentation (see attachments).

On January 15, 2013, Boone County Planning Commission sends Mr. Branscum a letter making him aware that they received a complaint about a towing and impound business operating from the property. The letter asks the owner to cease operations because the business is not permitted in the RSE zoning district.

On February 2, 2013, Mr. Branscum writes a letter to the Zoning Administrator indicating he bought the property in January 2012. He currently resides on site and is towing vehicles. He states that he has removed hundreds of tires, trash, and debris from the property because the previous owner ran a trucking and excavation business for over 20 years.

On February 7, 2013, the Zoning Administrator writes a reply indicating that Boone County Planning Commission does not have any compelling evidence to suggest that the above referenced nonconforming use was legitimately established on the property. He asks Mr. Branscum to submit such evidence so he can make a determination if a change in the nonconforming use can be sought.

On March 1, 2013, Mr. Matthew C. Smith, Esq. sends the Zoning Administrator an email indicating that Mr. Branscum will remove the wreckers and stored vehicles on the property and take them to his Walton site by March 8th. Mr. Branscum will also submit a Home Occupation Permit in the next week.

On March 7, 2013, Mr. Branscum sends the Planning Commission an email which requests that he be given two additional weeks to remove the stored and equipment from site. He has hired a new attorney and is reconsidering the home occupation permit application. Boone County Planning Commission Staff responds that they will grant an extension until March 22nd so nonconforming use documentation can be submitted or proper zoning permits can be obtained.

On April 8, 2013, Mr. Richard Brueggemann submits evidence supporting that a pre-existing nonconforming heavy trucking, truck repair, and excavation business existed on site for more than ten years.

On April 19, 2013, the Zoning Administrator determines that a legal pre-existing, nonconforming use has been established on the property for heavy trucking, truck repair, and excavation business. As a result, Mr. Branscum can submit an application for a Change in Nonconforming Use.

On July 30, 2013, Boone County Planning Commission Staff sends Mr. Branscum a letter stating that three months have passed since the Zoning Administrator made his determination. The letter asks for him to contact the office so they can discuss what course of action he will be taking.

SITE CHARACTERISTICS

The 7.13 acre property is located on the southwest side of Lebanon Crittenden Road and has approximately 266 feet of road frontage. The front of the property currently contains two single-family residential dwellings units (one is vacant) and access to them is provided from two gravel driveways which connect to Lebanon Crittenden Road.

The area immediately behind the two single-family residential dwellings contains a 60' x 76' vehicle repair garage with four service bays, an approximate 36' x 36' office/storage building, a gravel parking lot for cars, trucks, and trailers that are being serviced, and a separate 6' tall chain link fence compound (61' x 95') for impounded vehicles. Access to the repair and impound lot is provided from the southernmost access point on Lebanon Crittenden Road. 6' tall metal fencing and an access gate has been installed to secure this portion of the site after business hours. Some fill and gravel was added and the storage lot was expanded towards the rear of the site.

The rear of the site is a large open field which contains a farm pond. Several loads of fill material have been dumped along the path that goes from the rear parking lot to the farm pond. The rear property line and portions of the side property lines are heavily wooded with mature deciduous trees. The property owner also recently installed some evergreen trees between the impound lot and farm pond along the southeast property line.

Boone County GIS shows that the topography of the site is 910 feet above sea level at Lebanon Crittenden Road, 916 feet above sea level behind the two single family residential dwellings, 880 feet above sea level at the farm pond, and 844 feet above sea level along a portion of the rear property line.

SURROUNDING LAND USES & ZONING

- Northeast: Lebanon Crittenden Road, Single-Family Residential Dwelling and Farm (RSE)
Northwest: Single-Family Residential Dwellings and Farm (RSE and A-2)
Southeast: Single-Family Residential Dwellings Fronting on St. James Place (RSE)
Southwest: Single-Family Residential Dwelling Fronting on St. James Place (RSE)

STAFF COMMENTS

1. On April 19, 2013, the Zoning Administrator made a determination that a pre-existing nonconforming heavy trucking, truck repair, and excavation business had been established on the subject property because it had been in continuance existence for ten years and met KRS 100.253 (3). This determination was made after reviewing a letter and memorandum, dated April 5, 2013, from Richard A. Brueggemann which provided site background, applicable law, testimony from neighbors, etc.

The Change in Non-Conforming Use application is required because the property owner has converted the pre-existing non-conforming use from heavy trucking, truck repair, and excavation to truck and automotive repair with towing and impounding. He has also increased the area of the repair shop (from 1,800 square feet to 4,560 square feet), made parking lot improvements, and installed fencing to secure the facility and impound lot. The improvements that have been made to date have been made without permits.

2. Staff has the following questions for the applicant or property owner:
 - A. Was the owner aware that permits were needed before that non-conforming use changed and site improvements were made?
 - B. What are the typical hours of operation?
 - C. How many vehicles are serviced at the facility in a typical day?
 - D. How many vehicles are towed into the facility in a typical day?
 - E. Is vehicle salvaging (receiving junk vehicles or selling parts) part of the operation?
 - F. Are any more improvements (building additions, parking improvements, fencing, fill material, parking lot/security lighting, etc.) proposed to the site?
 - G. Why is fill material being added between the parking lot and the farm pond?
 - H. Staff observed that the cab of a tractor trailer and some scrap metal was sitting in a trailer in the back parking lot while taking pictures. How long can such items remain in the lot before they are removed?
 - I. Staff observed some evergreen trees have been installed along the access gate and a 180 foot section the southeast property line (between the impound lot and the lake). The trees are approximately 9 feet tall. Is any additional landscaping proposed on site?
 - J. How long can impounded vehicles remain on site?
 - K. Does Mr. Branscum or the previous property owner have any more pictures of the property that show its condition before the latest improvements were made?
3. Staff contacted the Kentucky Division of Water and inquired if Mr. Branscum would need any permits from their agency. Staff had concerns that the concrete fill and vehicles parked could contaminate the ground water. Staff had not received a final determination from the Division of Water at the time the Staff Report was finalized.
4. Staff would like to note that the Planning Commission signed off on Final Plats for Stephenson Reserve Subdivision (adjoining subdivision to the southeast) between November 2003 and November 2004.
5. Staff had a difficult time evaluating the Change in Non-Conforming Use for the following reasons:
 - A. There were not many close up photos of the pre-existing nonconforming business to evaluate. The best photos of the pre-existing business are aerial maps from Boone County GIS, a PVA Commercial Data Card (see Exhibit K in Mr. Bruggemann's April 5, 2013 Memorandum), and some pictures of the site taken from 2010 (see William and Jennifer Roth's September 3, 2013 letter). None of these photos show that there was a lot of outside storage (vehicles, trailers, or equipment) on the property.

- B. Mr. Branscum has done a lot of work on site since he acquired the property.
- C. Staff could not conclude what hours the previous business operated, how much junk or trash existed on site, how many trips the business generated at its peak, or noise impacts on adjoining property owners.
- D. Mr. Bruggemann's April 5, 2013 Memorandum contains five affidavits from people that live on Lebanon Crittenden Road. Paragraph four of these affidavits state that "it is my view as a neighbor that Mr. Branscum's current use and operation of the 15487 property is less intense and more aesthetically pleasing than was that of Mr. Thomas, the prior owner."

At the time the Staff Report was finalized Staff had received twenty letters from property owners that oppose the request. Many of these letters state the current operation is more objectionable than Mr. Thomas operation.

6. Staff recommends the following conditions if the request is approved:
- A. The limits of the commercial buildings and the parking lot shall not be enlarged any further without approval from Boone County Board of Adjustment.
 - B. Storage of vehicles, trailers, parts, or equipment shall not occur on the driveway that connects the rear parking lot to the farm pond or in the open field at the rear of the site.
 - C. Vehicle salvaging shall not be permitted.
 - D. All impounded vehicles, car parts, tires, scrap metal, and parts shall be kept inside the impound lot or buildings so they are screened.
 - E. Any security lighting used to illuminate the parking lot shall be placed on a timer. If activated, the lights shall stay on no longer than five minutes.
 - F. The location, dimensions, and impound lot fencing materials shall be defined.

Option 1 – The impound lot shall remain in its current location. The fencing on the southeast and southwest sides of the impound lot shall be constructed with 6' tall privacy fencing (solid wood fencing).

Option 2 – The impound lot shall be relocated from the southeast property line to the northwest property line. The impound lot shall be constructed with privacy fencing (solid wood fencing) that is a minimum of 6' tall.

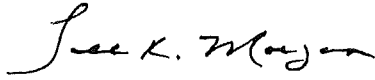
- G. The following landscaping shall be required on site:
 - Area bound by Lebanon Crittenden Road right-of-way to the northeast, and the access gate to the vehicle repair/impound lot to southwest, the business driveway to the northwest, and the southeast property line – Two evergreen trees from Plant List D in the Boone County Zoning Regulations. The trees shall be a minimum of 6' tall at the time of planting.

- The existing evergreen trees that have been planted in front of the metal access gate.
 - The impound lot is located approximately 11.5' from the southeast property line. One evergreen tree shall be planted 12' on center for the length of the impound lot. The trees shall be a minimum of 6' tall at the time of planting.
 - A double row of evergreen trees shall be planted along the southeast property line between the end of the impound lot fence compound and the northwest property corner of lot 35 of Stephenson Reserve Subdivision. The required spacing of the evergreen trees shall be 20' on center or less. The trees shall be a minimum of 6' tall at the time of planting.
 - A double row of evergreen trees shall be planted between the southeast property line (starting at the northwest property corner of lot 35 of Stephenson Mill Subdivision) and extend northwestwards towards the farm pond. The required spacing of the evergreen trees shall be 20' on center or less. The trees shall be a minimum of 6' tall at the time of planting.
- H. If agreeable to the applicant and property owner, the excavation and heavy trucking uses shall become null and void.
7. The Board's action on the application will determine which other approvals are needed:
- A. A Major Site Plan will need to be approved by Boone County Planning Commission Staff if the Change in Non-Conforming Use application is approved. The Site Plan will address the building addition, parking additions, fencing limits, grading/filling, storm water detention, storm water quality, Board of Adjustment conditions, etc.
 - B. A Major Site Plan will still need to be approved by Boone County Planning Commission Staff if the Change in Non-Conforming Use application is denied. The Major Site Plan will address the grading/filling, the construction and use of the new building, and limits of the parking area. Mr. Branscum would need to demonstrate that the building and parking expansions are accessory uses to his single-family residential dwellings. The expansion areas could not be used as part of any business.
 - C. A Building Permit application will need to be approved by Boone County Building Department.
8. The Board needs to analyze the request in terms of Sections 270, 272, and 273 of the Boone County Zoning Regulations. Other cases dealing with Changes in Non-Conforming Use have analyzed if the proposed change is more objectionable than the established condition.

CONCLUSION

KRS 100.253 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/

Attachments

- *Application
- *2012 Aerial Map
- *Site Vicinity Map
- *Zoning Map
- *Topographical Map
- *1/29/04 Zoning Permit
- *1/26/09 Email exchange between Nikki Culbertson and Kevin Wall
- *10/4/12 Email and letter exchange between Richard L. Robinson and Kevin Wall
- *1/15/13 Letter from Mitchell Light to Ray Branscum
- *2/2/13 Letter from Ray Branscum to Kevin Wall
- *2/7/13 Letter from Kevin Wall to Ray Branscum
- *3/1/13 Email from Matthew C. Smith to Kevin Wall
- *3/7/13 Email exchange between Ray Branscum and Kevin Costello
- *4/5/13 Letter and Memorandum from Richard A. Brueggemann
- *4/19/13 Letter from Kevin Wall
- *7/30/13 Letter from Mitchell Light to Ray Branscum
- *Letters From Property Owners that Oppose the Application

APPLICATION FORM

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**BOARD OF ADJUSTMENT
AND
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SECTION A (To be completed by applicant)

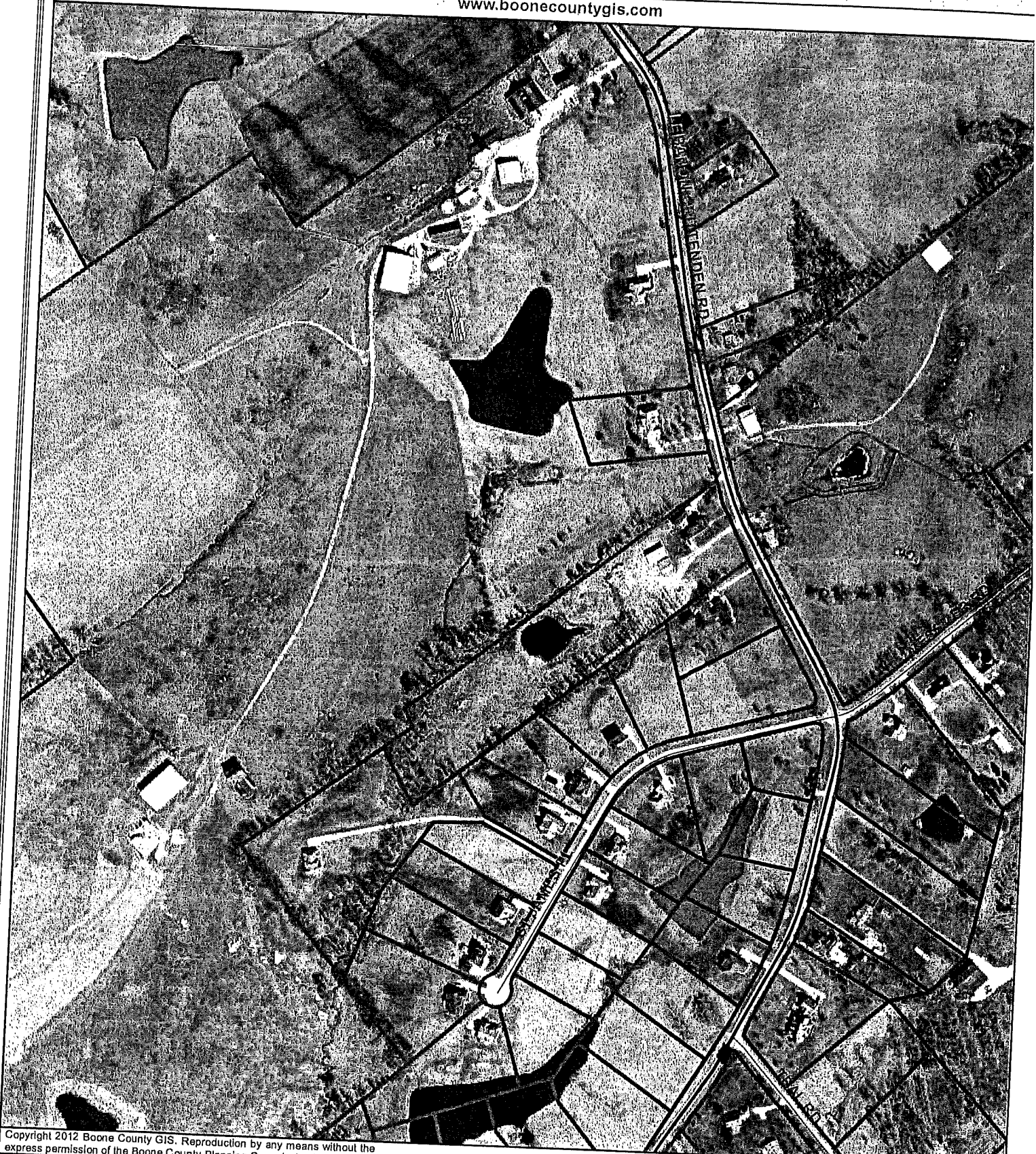
- 1. (Check One)
 Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One)
_____ Conditional Use Permit _____ Variance _____ Appeal _____
 ^{Addition} Change in Non-Conforming Use
- 3. Applicant's Name Richard A. Brueggemann, Esq.
Applicant's Address 250 Grandview Dr. Ste 500
Ft. Mitchell Kentucky 41017
City State Zip
- 4. Description of Request: Addition in non-conforming use, currently the use is heavy trucking/repair/excavation. Seeking to add towing/impound with building parking and fencing additions
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- 6. Location of Development 15487 Lebanon Crittenden Road
- 7. Acreage Under Review 7.13 acres +/-
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- 9. Owner of Property Ray Branscum
Address of Property Owner 15487 Lebanon Crittenden Road
Verona Kentucky 41092
City State Zip
- 10. Phone Number (859) 743-0927 Fax No. [REDACTED] E-Mail [REDACTED]
- 11. Proposed Use(s) on Site repair/towing-impound
- 12. Total Square Footage of Existing and/or Proposed Buildings 6156 +/-
- 13. Current Zoning on Property RSE
- 14. Deed Book 1001 Page No. 376 Group No. 2088
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If yes, give date of approval N/A
- 16. Have you submitted a Site Plan with this request? No
- 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.

ORIGINAL Property Owner's Signature: [Signature]
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ORIGINAL Applicant's Signature: [Signature]
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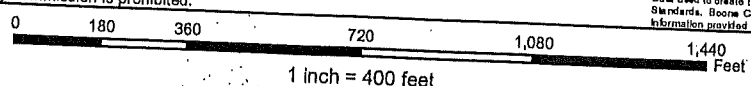
2012 AERIAL MAP

www.boonecountygis.com



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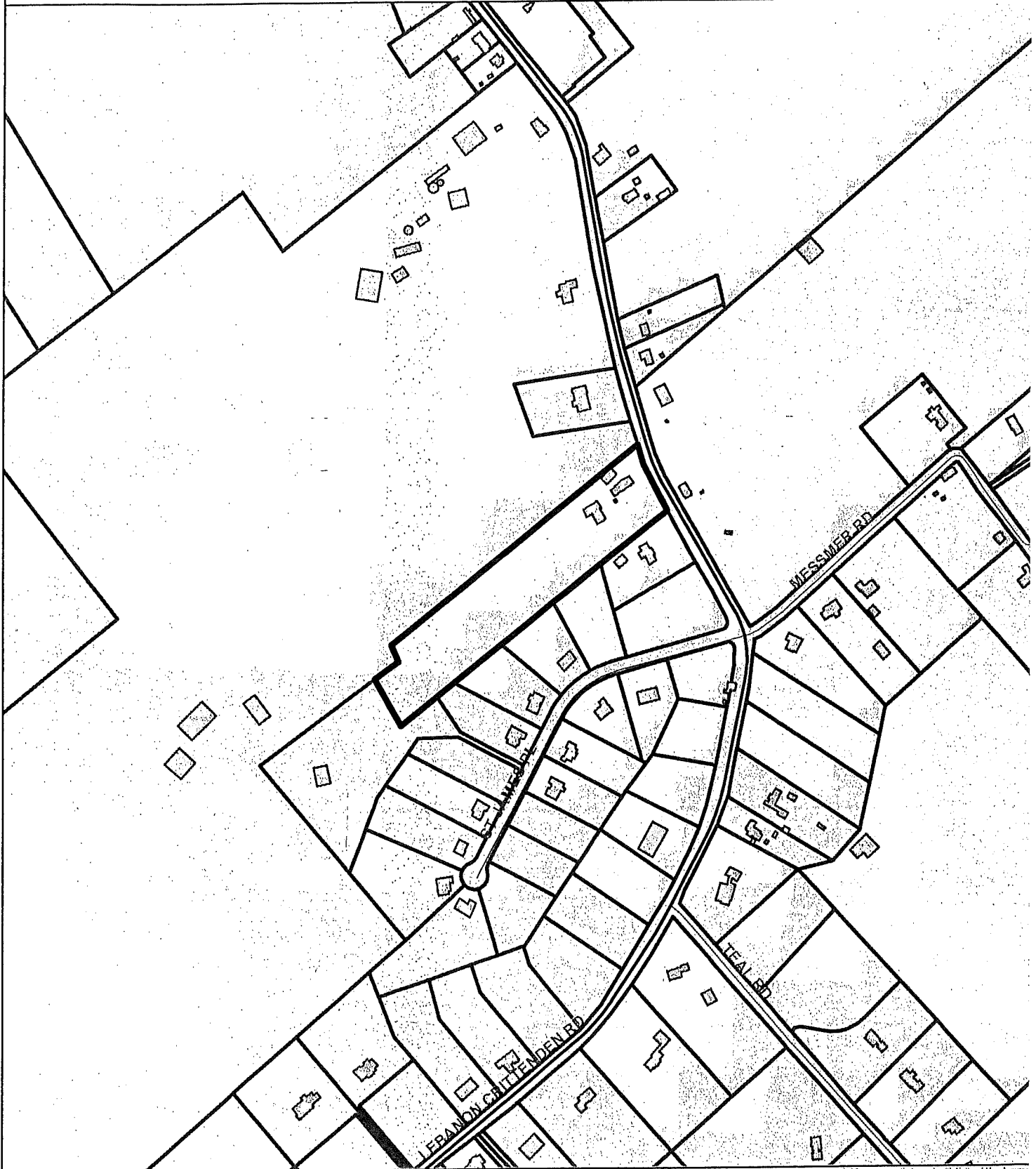
Boone County GIS
"Putting Northern Kentucky on the Map"



Map by The Survey, Inc. A/10/10 003

SITE VICINITY MAP

www.boonecountygis.com



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0 225 450 900 1,350 1,800 Feet

1 inch = 500 feet

Boone County GIS

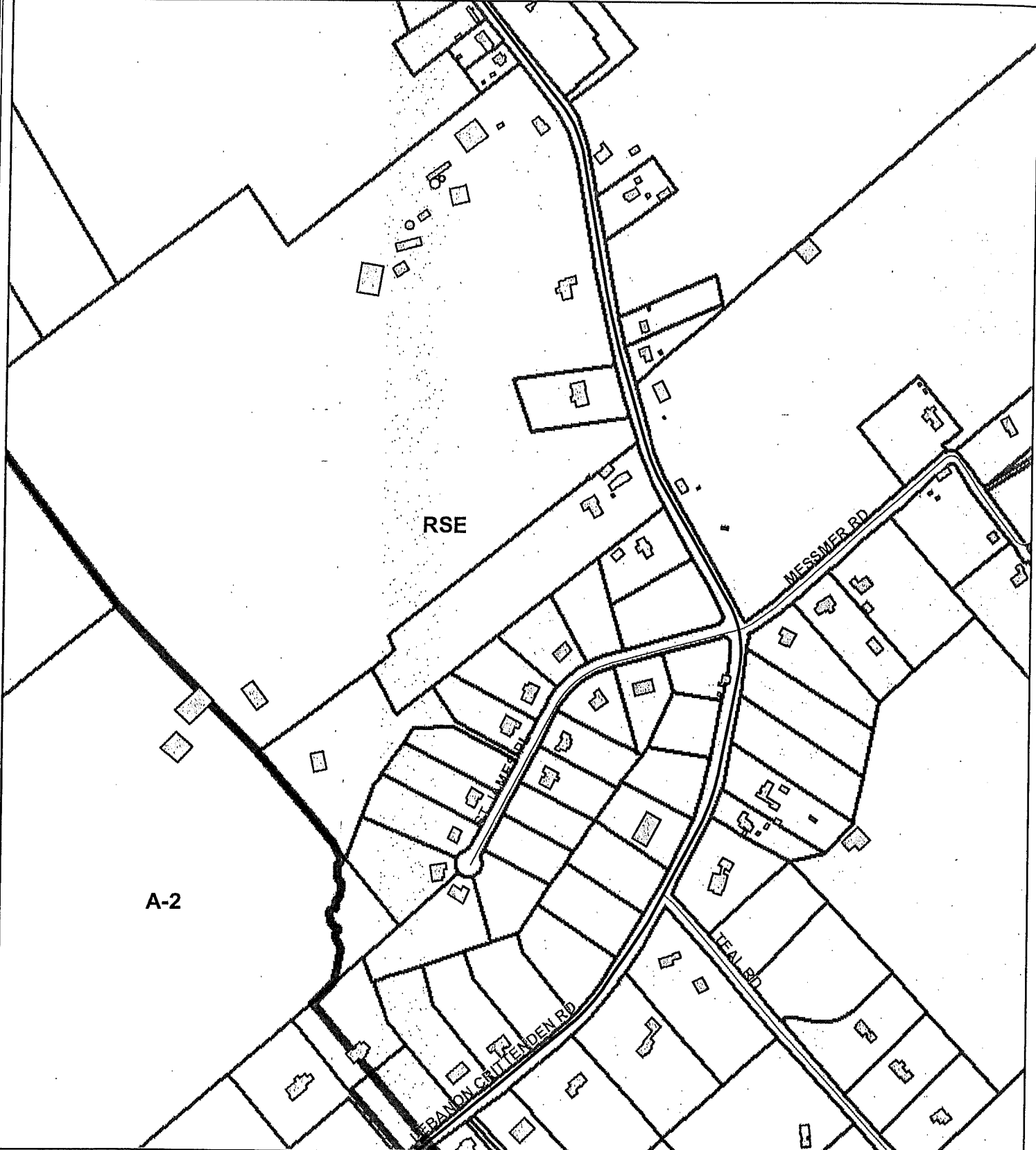
"Putting Northern Kentucky on the Map"



Boone County GIS 2012

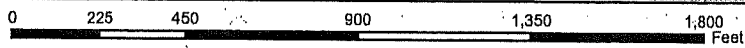
ZONING MAP

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1 inch = 500 feet

Boone County GIS

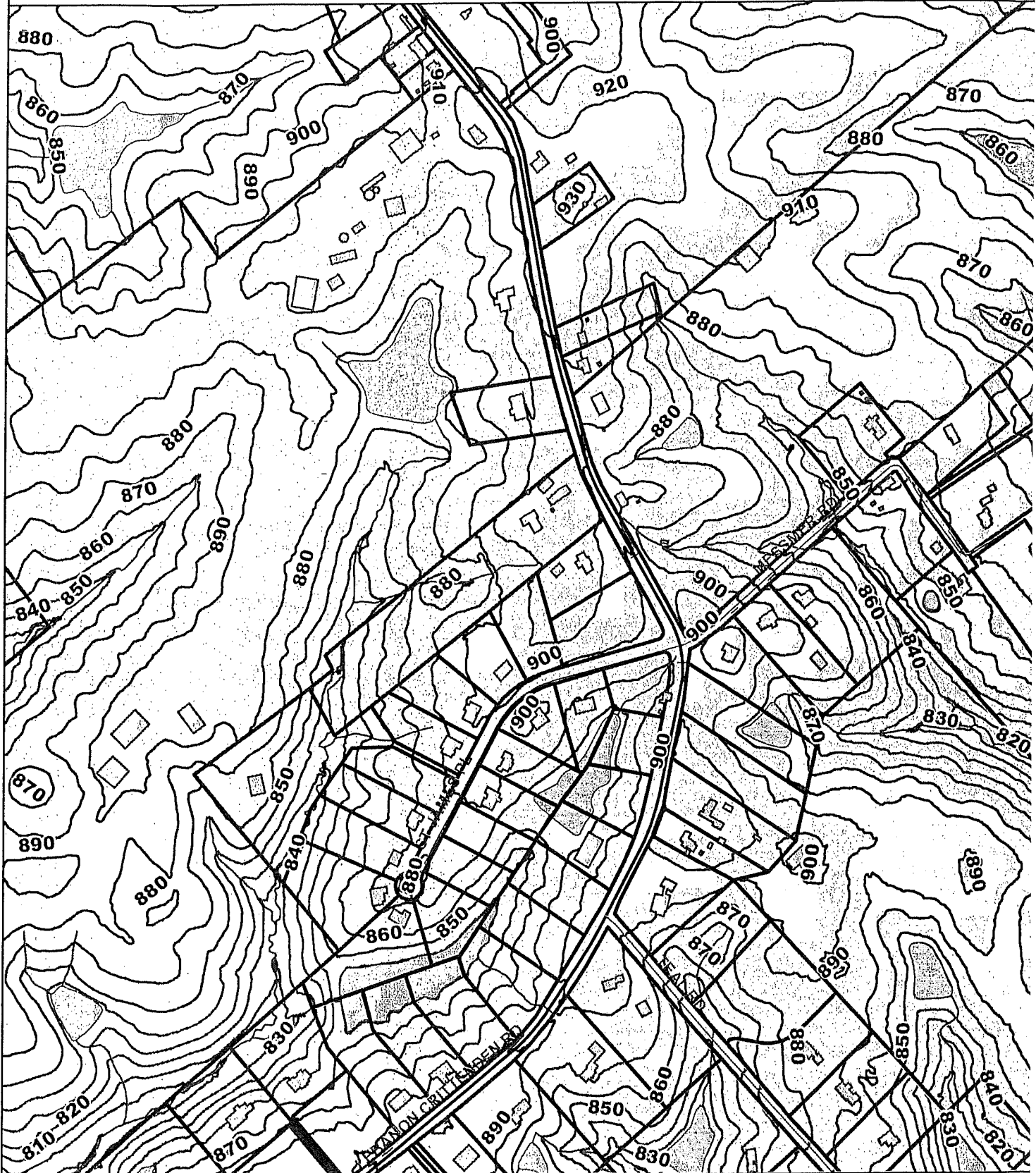
"Putting Northern Kentucky on the Map"



Boone County GIS, 2012

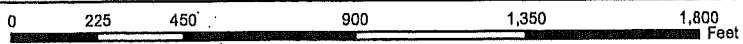
TOPOGRAPHICAL MAP

www.boonecountygis.com



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1 inch = 500 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Map Data Courtesy of Google Earth 2005

BUILDING ADDRESS OR LOCATION: 15487 Crittenden Lebanon Rd
Verona Ky 41092

NOTICE

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): 15487 Crittenden Lebanon Rd
Verona Ky 41092

APPLICANT'S SIGNATURE: Morgan Thomas As
 Authorized by Property Owner

DATE 1-29-04 PHONE NUMBER: 513-617-5936 - 485-1573

This Portion of the Application to be Completed
 the Boone County Planning Commission

Zoning District	<u>RSE</u>	Date	<u>1/29/04</u>	Fee	<input checked="" type="checkbox"/>	\$50.00	Farm Exempt
Approved	<input checked="" type="checkbox"/>	Denied		<u>PA</u>	<input checked="" type="checkbox"/>	\$20.00	(No Fee)
Staff Reviewer	<u>RUDY CORDELL</u>		Address/Location	<u>15487 LEBANON CRITTENDEN</u>			
Subdivision							
Lot #	Section #		Block/Phase #				

Type of Improvement	
<input type="checkbox"/> Single Family Residence	<input type="checkbox"/> Detached Garage
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage Addition
<input type="checkbox"/> Three Family	<input type="checkbox"/> Porch or Deck
<input type="checkbox"/> Apartment (# units _____)	<input checked="" type="checkbox"/> Barn or Shed
<input type="checkbox"/> Townhouse (# units _____)	<input type="checkbox"/> Swimming Pool
<input type="checkbox"/> Mobile Home	<input type="checkbox"/> Tenant Finish
<input type="checkbox"/> Residential Addition	<input type="checkbox"/> Other:
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	<input type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
Post Office	
<input type="checkbox"/> Burlington	<input type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
<input type="checkbox"/> Hebron	<input type="checkbox"/> Verona
<input type="checkbox"/> Petersburg	<input type="checkbox"/> Erlanger
<input checked="" type="checkbox"/> Crittenden	
Group # <u>2088</u>	Census Tract # <u>706.04</u>

#37693
 RECEIVED
 JAN 29 2004
 BOONE COUNTY
 PLANNING COMMISSION

APPLICATION MUST BE COMPLETED IN ITS ENTIRETY INCLUDING DESCRIPTION OF PROJECT.

Application Date 1-29-03

Boone County, Kentucky

RESIDENTIAL BUILDING PERMIT APPLICATION

A. PROJECT ADDRESS 15487 Crittenden Lebanon Rd CITY Verona Ky 41092
 SUBDIVISION/PROJECT NAME _____ LOT/BLDG. NO. _____

B. IDENTIFICATION	NAME	ADDRESS	CITY/STATE/ZIP	PHONE/FAX
OWNER	<u>Morgan Thomas</u>	<u>15487 Critt. Leb. Rd</u>	<u>Verona Ky 41092</u>	<u>513-617-59</u>
CONTRACTOR	<u>Dosman Inc</u>	<u>5426 Olive Branch Rd</u>	<u>Madison IN 47250</u>	<u>812-265-6</u>

C. TYPE OF IMPROVEMENT

- NEW BUILDING
- ADDITION
- ALTERATION
- DEMOLITION

D. TYPE OF USE

- SINGLE FAMILY
- TWO-FAMILY
- MODULAR HOME
- MOBILE HOME
- MULTI-FAMILY
- NO. OF UNITS _____
- GARAGE
- SHED
- POOL
- BARN
- DECK/PORCH
- OTHER

E. DESCRIBE PROPOSED WORK

30x60 Pole Barn

F. CONSTRUCTION COST 21000⁰⁰

G. FARM? No _____ Yes 1 # of Acres 7 1/2

H. FLOOD PLAIN? Yes _____ No _____

I. ENCROACHMENT PERMIT _____ Driveway/Apron Permit _____

J. TYPE OF SEWAGE Public _____ Private _____ Permit # _____

K. ELECTRICIAN _____ Certification # _____

MECHANICAL CONTRACTOR _____ Certification # _____

L. ZONING APPROVAL [Signature] DATE 1/29/04 ZONE RSE FEE AD

SPECIAL RESTRICTIONS NOT TO BE USED FOR BUSINESS PURPOSES

M. TYPE OF CONSTRUCTION

5B _____ 2C _____
 5A _____ 2B _____
 4B _____ 2A _____
 3B _____ 1B _____
 3A _____ 1A _____

N. TYPE OF HEATING

_____ GAS
 _____ OIL
 _____ ELECTRIC
 _____ INSULATION PKG.

Q. SQUARE FOOTAGE

First Floor _____
 Second Floor _____
 Garage _____
 Fin. Bsmt _____

O. RESIDENTIAL

NO. OF BEDROOMS _____ NO. OF BATHROOMS _____

P. CODE USED

_____ 1995 CABO _____ 1997 KBC

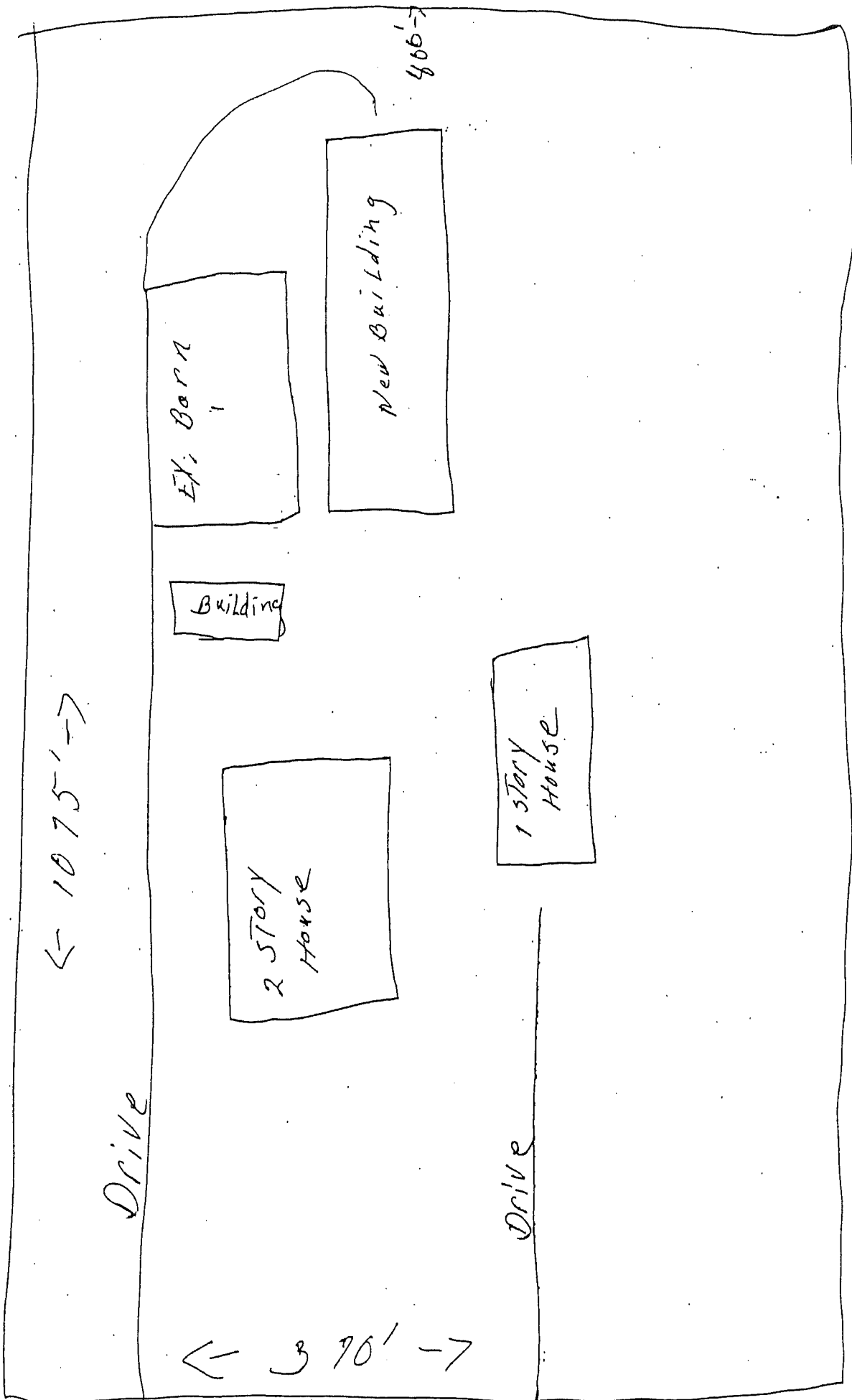
The owner of this building and undersigned, do hereby covenant and agree to comply with all the applicable regulations pertaining to building and buildings, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specifications are to the best of their knowledge true and correct. Failure of this office to note all violations in the review of plans and specifications does not relieve contractors of the responsibility of complying with the applicable codes and regulations. The Building official reserves the right to enter the construction premises at will during reasonable working hours.

APPLICANT'S SIGNATURE Morgan Thomas ADDRESS 15487 Crittenden Lebanon Rd
 APPLICANT'S NAME (Please Print) Morgan Thomas Verona Ky 41092

DO NOT WRITE BELOW THIS LINE

R. APPROVED BUILDING OFFICIAL _____

8 acres



Kevin Wall

From: Kevin Wall
Sent: Friday, June 26, 2009 10:36 AM
To: 'jrleite@triexit.com'
Subject: FW: 15487 Lebanon Crittenden Road

-----Original Message-----

From: Kevin Wall
Sent: Tuesday, June 23, 2009 3:40 PM
To: 'nculbertson@fuse.net'
Cc: Todd Morgan; Mitch Light
Subject: 15487 Lebanon Crittenden Road

Dear Ms. Culbertson:

Before I can provide a credible response, detailed information regarding the current and proposed uses need to be provided. First, all of the current business activities which occur on the site need to be defined, as well as the basic history of the business on this site. In order to be deemed legally nonconforming, documentation which demonstrates that the use has occurred on the site for at least 10 years needs to be provided. Such documentation can include tax returns, utility bills, insurance statements, receipts, invoices, telephone listings, etc. A quick review of some of the air photos in our computer system do not show the large parking/vehicular area in 1999, and it is very clear in the 2007 air photo. FYI - a Zoning Permit was approved by this office for a barn at 15487 Lebanon Crittenden Road on 1/29/04 with the stipulation that it is "not to be used for business purposes." If the business was a legitimate nonconforming use at that time, and the 30' x 60' barn was intended to be used for the business, it should have been reviewed and approved through the Change in Nonconforming Use procedure by the Board of Adjustment and the Site Plan procedure by the Planning Commission, versus just a Zoning Permit. Morgan Thomas was listed as the property owner at that time.

A similar listing of activities for the proposed business needs to be provided, including the use of any structures, greenhouses, storage of bulk materials, etc. Based on the nature of the proposed plant nursery, a Change in Nonconforming Use application may need to be submitted to the Board of Adjustment (assuming the existing business is legitimately nonconforming), or it may qualify as an "agricultural use" per KRS 100 and be permitted without any extraneous review processes. In brief, an agricultural use needs to have at least 5 contiguous acres that are used for "production."

Sincerely,

Kevin Wall

-----Original Message-----

From: nculbertson@fuse.net [mailto:nculbertson@fuse.net]
Sent: Tuesday, June 23, 2009 2:01 PM
To: Kevin Wall
Subject: Zoning

Mr. Kevin Wall,

I am the realtor for a property located at 15487 Lebanon Crittenden Rd Verona, KY 41092 also know per the deed as 15485 Crittenden-Lebanon Road, Crittenden KY 41030. The seller has operated a excavating and road trucking business on this property for the last 20 years. The property has a large detached 10 car garage and a small office building that he has used to operate his business. The seller has been grandfathered in to operate this type of business.

The seller is in need of selling his property due to his health and economy. We have a potential buyer that would like to make it a nursery (Plant Nursey). This would just be used to grow plants/trees for storage. The plants/trees would then be taken to another location for sale. The site will have no retail sales. This type of business would be less offensive to the neighboring property owners. We would like your consideration and permission to grandfather this type of use for the property so that the seller can obtain a contract for purchase.

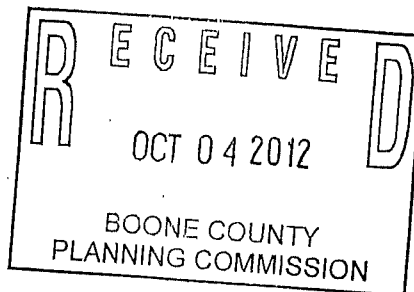
Thank You,

Nikki Culbertson
Broker/Agent
RE/MAX Affiliates
nculbertson@fuse.net
Cell 859 653-0972
EFax 513 618-9476

GRAYDON HEAD

LEGAL COUNSEL | SINCE 1871

Richard L. Robinson
Of Counsel
Direct: 859.578.2422
rrobinson@graydon.com



October 4, 2012

VIA FACSIMILE: (859) 334-2264
VIA REGULAR MAIL

Kevin Costello, Executive Director
Boone County Planning Commission
2590 Washington Street
Burlington, KY 41005

RE: 10745 Dixie Highway, Florence, KY 41042

Dear Kevin:

Please be advised that this firm represents Larry Thomas and his business, Larry Thomas d/b/a Airport Towing (collectively, "Airport Towing").

Airport Towing has entered into a contract to purchase the real estate located at 10745 Dixie Highway, Florence, Kentucky (the "Real Estate"). It is Airport Towing's intention to operate towing and vehicle impound from that location. It is Airport Towing's understanding that the Real Estate is located in an I-1 Zone, which allows such use.

The purpose of this letter is to request confirmation on the zoning of the Real Estate and thus, the permissibility of Airport Towing's intended use thereon. Airport Towing intends to rely upon this confirmation in its purchase of the Real Estate.

In addition, Airport Towing requests a confirmation on the zoning of the real property located at 15487 Lebanon-Crittenden Road, Verona, Kentucky 41092, and whether its use for towing and vehicle impounding is permissible by its zone.

Should you have any questions, please feel free to give me a call.

Sincerely,

Graydon Head & Ritchey LLP

Richard L. Robinson

RLR:ds

C: Lynda Hills Mathews
Larry Thomas

3874270.1

Northern Kentucky at the Chamber Center Butler/Warren at University Pointe Cincinnati at Fountain Square

Graydon Head & Ritchey LLP | 2400 Chamber Center Drive | Suite 300 | Ft. Mitchell, KY 41017
859.282.8800 Phone | 859.525.0214 Fax | www.graydonhead.com



BOONE COUNTY PLANNING COMMISSION

www.boonecountky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountky.org

October 4, 2012

Mr. Richard L. Robinson
Graydon Head & Ritchey LLP
2400 Chamber Center Drive, Suite 300
Ft. Mitchell, KY 41017

FAX: 525-0214

RE: Zoning for 10745 Dixie Highway, Boone County, Kentucky and 15487 Lebanon-Crittenden Road, Boone County, Kentucky

Dear Mr. Robinson:

The property at 10745 Dixie Highway in Boone County is within an Industrial One (I-1) zone. Towing and impound services is a principally permitted use in the I-1 zone. Principally permitted use #47 reads as "auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking."

While towing and vehicle impound is a legal use at this location, our office has very recently become aware that several improvements on the site were constructed without the required site plan approval, and that several of these improvements do not meet the development standards in the Boone County Zoning Regulations. Based on air photo information, these improvements were constructed sometime between 2007 and 2009.

Before any new use can be initiated at this location (including the contemplated towing and impound business), a site plan application would need to be submitted to, and subsequently approved by, the Planning Commission. Based on the requirements of Article 30, this would likely be a Major Site Plan. It would need to meet all applicable requirements of the Boone County Zoning Regulations, including hard surfacing (asphalt or concrete) for the parking area, vehicle impound area and driveways, landscaping in conformance with the applicable requirements of Article 36 (including a planted perimeter at the site's boundary), storm water management, etc. Major Site Plans must be prepared by a Professional Engineer (P.E.) licensed in Kentucky.

It is my understanding that the illegal improvements consist of a gravel vehicular/storage area and fence at the rear of the property, and that no landscaping, storm water management improvements, etc. have been installed. Our office is in the process of contacting the current property owner regarding the illegally constructed improvements.

Mr. Richard L. Robinson
October 4, 2012
Page 2

The property at 15487 Lebanon-Crittenden Road is within a Rural Suburban Estates (RSE) zone. This is a residential zone, which does not permit towing and/or impound services. We have had several inquiries over the years about potentially permitting some type of business at this location. At one time there was a vague claim that some sort of pre-existing, nonconforming commercial use was established on the property, but no credible documentation was ever provided to support this claim (refer to enclosed 6/26/09 e-mail).

I trust this letter provides the information that you need. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall', with a long horizontal flourish extending to the right.

Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

Enclosure

cc: Mitch Light, Asst. Zoning Administrator/Enforcement Officer
Todd Morgan, Senior Planner



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

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2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

January 15, 2013

Mr. Ray Branscum
12084 Dickerson Road
Walton, KY 41094

RE: Violation of the *Boone County Zoning Regulations*, 15487 Lebanon Crittenden Road, Boone County, Kentucky, PIDN 068.00-00-023.00

Dear Mr. Branscum:

The Zoning Services Division of the Boone County Planning Commission has been made aware that a business (towing and impounding of vehicles) is being run from a property you own at 15487 Lebanon Crittenden Road, Boone County, Kentucky. This property is zoned Rural Suburban Estates (RSE). This type of business is not permitted in the RSE zone, or any other residential zone in Boone County.

Therefore, you are required to cease operation of this business upon receipt of this notification.

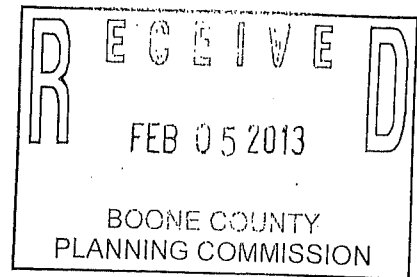
Sincerely,

Mitchell A. Light
Asst. Zoning Administrator/ZEO

MAL/dw

cc: Brad Horn, Codes Enforcement Officer

February 2, 2013



Mr. Kevin Wall

PO Box 958

Burlington, Ky 41005

RE: Property @ 15487 Lebanon Crittenden Rd. Verona, Ky 41092

Dear Mr. Wall

I purchased this property in January 2012 with the intent of living there and parking my vehicles which I use in my repair business. When I purchased this property, it was in terrible neglect and an eye sore to the community. I have removed and properly disposed of hundreds of used tires and large amounts of dumped debris and garbage. I was told by the realtor that the previous owner used this property to run a trucking and excavating business for over 20 years. I am living at the property and parking my vehicles here. I have installed and spent thousands of dollars in landscape and fence in an attempt to be a very kind neighbor and a contributor to the small community of Verona and to Boone County. I do tow vehicles for the Boone County and Ky State Police and sometimes they do come to this address but not always. I also have a storage yard in the city of Walton which I use daily. I will work with the planning commission in any way to resolve this issue.

Sincerely,

A handwritten signature in cursive script that reads "Ray Branscum".

Ray Branscum



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

February 7, 2013

Mr. Ray Branscum
15487 Lebanon-Crittenden Road
Verona, KY 41092

RE: Towing and Vehicle Impound Business at 15487 Lebanon-Crittenden Road, Boone County, Kentucky

Dear Mr. Branscum:

In response to your letter dated 2/2/13, I am providing the following information. Your letter was provided in response to a notice of violation that you received from Mitchell Light dated 1/15/13. This notice mentions a towing and vehicle impound business being run from this property, and your letter states that in addition to living on the property, you intended to park "my vehicles which I use in my repair business." Offhand, it is not clear to me whether vehicles are actually repaired at this location or elsewhere - this needs to be clarified.

This property is within a Rural Suburban Estates (RSE) zone per the Boone County Zoning Regulations. This is a large lot residential zone which, with very little exception, does not permit business activities. Businesses which necessitate the storage, parking, display, and/or repair of vehicles, such as towing, impound, or a repair garage, are not permitted in this zone. By contrast, "towing and vehicle impound services" are expressly listed in the zoning regulations as a Principally Permitted Use in the Industrial One (I-1) zone (#47), and they are also Principally Permitted in the Industrial Two (I-2) zone by reference. A copy of the RSE zone text which lists the permitted uses in this district is enclosed for your use.

Also, the parking of tow trucks and other business vehicles is not permitted in residential zones such as the RSE zone. Section 3149 "Parking and Storage of Certain Vehicles" of the zoning regulations states "vehicles used for employment or business purposes that are larger than a full size pick-up or a full size van (larger than one ton), or commercial style vehicles, trailers, implements, and equipment regardless of size such as dump trucks, tow trucks, Bobcat style implements, and trailers carrying lawn service equipment, shall not be stored or parked within residential zones" (see enclosed).

In short, a business which is actively engaged in towing, vehicle impound and/or repair is not permitted in the RSE zone, nor are the types of commercial style vehicles outlined above permitted to be stored or parked within the RSE zone. Home based businesses called "Home Occupations" are permitted in the RSE zone. In the instance of towing and impound, a home office for the administrative aspects of the business only is permissible

Mr. Ray Branscum
February 7, 2013
Page 2

provided the other aspects of the business occurred legally at another location (Section 3142 "Home Occupations" is enclosed).

Your letter states "I was told by the realtor that the previous owner used this property to run a trucking and excavation business for over 20 years." If such a business really had occurred, a "Change in Nonconforming Use" application could possibly be entertained by the Board of Adjustment (BOA) through a public hearing procedure to allow your business. It does not mean that a towing and impound business is de facto permitted on the property without any type of official approval. If the trucking/excavation business started at this property illegally, per KRS 100.253.(3) it would need to have been in existence for 10 continuous years without any type of adverse orders or notice of violation in order to be deemed a legal, nonconforming use which could be used as the basis to submit a "Change in Nonconforming Use" application to allow a different type of business which did not meet the RSE requirements.

At this juncture, we do not have any compelling evidence to suggest that a legal, nonconforming use (trucking, excavation, or other type of business) was legally established on this property. This is evidenced by the following:

- A. On January 28, 2004 (approximately 9 years ago), our office approved a Zoning Permit and signed the zoning authorization line on an accompanying Building Permit application for the construction of a 30 foot by 60 foot pole barn on the property. It was noted under the signature line that the structure was "not to be used for business purposes" (see enclosed permits). This condition or stipulation was never challenged. If the business was a legitimate nonconforming use at the time, and the 30 foot by 60 foot barn was intended to be used for a business, it should have been reviewed and approved through the Change in Nonconforming Use procedure by the Board of Adjustment, and the Site Plan procedure by the Planning Commission, versus just a Zoning Permit.
- B. There is no evidence that any type of outside business activities were occurring on the property as seen in the 2004 air photos (approximately 9 years ago). In contrast, there is a gravel area and a number of cars and commercial style vehicles shown on the 2007 air photo (approximately 7 years ago). As mentioned above, State law requires an illegal use to be in continuous existence for 10 years without adverse orders before it can be deemed a legal, nonconforming use (2004 and 2007 air photos are enclosed).
- C. A vague claim that some sort of pre-existing, nonconforming commercial use had been established on the property was made several years ago, but no credible documentation was ever provided to support this claim (refer to enclosed 6/26/09 e-mail). There are some facts outlined in my response which found the claim questionable at the time.

Mr. Ray Branscum
February 7, 2013
Page 3

Short of a Zone Change to an Industrial zone, I would first need to determine that the use of the property had legal pre-existing, nonconforming status. Second, provided I did make such a determination, the actual Change in Nonconforming Use application would then need to be approved by the Board of Adjustment through a formal public hearing procedure. As Zoning Administrator, State law states that I am not empowered "to permit any use or change of use which does not conform to the literal terms of the zoning regulation."

As stated in the June 26, 2009 e-mail, in order to be deemed legally nonconforming, compelling documentation which demonstrates that the trucking/excavation use occurred on the site for at least 10 years needs to be provided. Such documentation can include tax returns, tax bills, utility bills, insurance statements, receipts, invoices, telephone listings, etc. I would recommend contacting the realtor mentioned in your letter as a start. I can review any documentation that you provide to determine whether a legal, nonconforming use had been established on the property, and if so, whether that status is still valid.

As stated above, we do not have any compelling evidence at this time to suggest that a legal, nonconforming use was legitimately established on this property. In turn, I can not currently conclude that the towing and impound use is a legal use of this property. However, such a determination is possible if credible documentation were to be provided, and then followed up with a successful application to the Board of Adjustment.

Because this letter outlines a determination of the Zoning Administrator, it can be appealed to the Board of Adjustment (BOA) within thirty (30) days of today's date. In order for an appeal to be granted, it must be demonstrated that the decision is in error, versus just contrary to one's goals or wishes. Please call me if you have any questions.

Sincerely,



Kevin T. Wall
Zoning Administrator
Boone County Fiscal Court

KTW/vlm

cc: Mitchell Light, Assistant Zoning Administrator/Enforcement Officer

Enclosures:

- RSE zone text
- Section 3149 "Parking and Storage of Certain Vehicles"
- Section 3142 "Home Occupations"
- 1/29/04 Zoning Permit and Building Permit for Pole Barn
- 2004 air photo
- 2007 air photo
- 6/26/09 e-mail regarding potential nonconforming status

ARTICLE

9

RESIDENTIAL DISTRICTS

SECTION 900

Intent

The intent of this article is to provide and promote: a) the maximum possible variety and choice of dwelling types, designs, sizes and prices; b) for persons, households and families of all marital types, ages, incomes and interests; c) within development forms which will create cohesive residential neighborhood and community forms and identities; and d) in patterns, organizations and densities which can be predicted and thereby provided effective, efficient and justifiable use of infrastructure facilities and services.

SECTION 910

RURAL SUBURBAN ESTATES (RSE)

Rural Suburban Estates should be located where there may be a limited feasibility or desire or need for providing or requiring all infrastructure normal to support a suburban or urban neighborhood. The purpose of the Rural Suburban Estates district is to provide a residential environment whose dwelling types and densities are typical of a semi-suburban character. Such districts will be located on lands adjacent to established urban areas, but which are not suitable for larger scale or more densely developed suburban or urban residential use.

SECTION 911

Principally Permitted Uses

The following uses are permitted:

1. Detached single-family dwelling units;
2. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;
3. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;
4. Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls;
5. Wildlife preserve sanctuaries, habitats, cultures and related activities;
6. Garden plots and other similar forms of communal or organizational farming practices;
7. Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems, and picnicking areas.

SECTION 912

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit including:
 - a. Private garages and parking;
 - b. Structures such as fences, and walls;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;
 - d. Storage of a recreational vehicle or unit (according to Article 31);
 - e. Private recreational courts, fields, swimming pools, or similar recreational activities;
 - f. Private stable or other keeping and use of pets and animals;
2. Signage (according to Article 34);
3. Parking (according to Article 33);
4. Temporary buildings incidental to construction.
5. Accessory dwelling unit.
6. Family day care.

SECTION 913

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted agricultural, recreational, or residential use; or b) the activity will not contradict the semi-suburban, open space character of the district; c) require or contribute to infrastructure need above that common of the district's permitted uses; d) is of direct relation to and in support of the purpose of the district; and e) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Country clubs, clubhouses, lodges and similar places of assembly or entertainment including the operation of eating and drinking establishments with alcoholic beverages (Site Plan Review required);
2. Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);
3. Nursery and day care centers (Site Plan Review required);
4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
5. Cemeteries including mausoleums (Site Plan Review required);
6. Duplex dwelling units;

7. Unlighted athletic fields;
8. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 914

Intensity

The maximum intensity of use in a Rural Suburban Estates district shall not be greater than one dwelling unit per acre.

SECTION 915

Minimum Size

The minimum size and extent of a Rural Suburban Estates district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 916

Minimum Standards

The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

1. See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

SECTION 920

RURAL SUBURBAN (RS)

The purpose of the Rural Suburban district is to provide a residential environment whose dwelling types and densities are typical of a low density suburban character. Such districts will largely be located to preserve the established character of areas developed prior to the adoption of these regulations and where there is limited feasibility, desire, or need to provide or require installation or utilization of all infrastructure necessary to support a suburban or urban neighborhood.

SECTION 921

Principally Permitted Uses

The following uses are permitted:

1. Detached single-family dwelling units;
2. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;
3. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;
4. Wild life preserve sanctuaries, habitats, cultures and related activities;
5. Garden plots and other similar forms of communal or organizational farming practices;
6. Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems, and picnicking areas.

SECTION 3132

Glare

No activity, building, sign, light fixture, or other structure shall cause direct or reflected glare which is visible from any street or adjoining property.

SECTION 3138

Other General Provisions

The purpose of these supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

SECTION 3142

Home Occupations

Occupations of personal services, professional office or studios which are maintained or conducted solely within a dwelling will be permitted only if they meet all of the following performance standards:

1. The use is clearly incidental to the principal residential use;
2. The use is conducted entirely within a dwelling and not in any accessory buildings;
3. Only members of the household residing on the premises may be the primary owners/operators of such operation, in addition, no more than one (1) person, other than members of the household residing on the premises, shall be engaged in such operations;
4. No commodity shall be sold on the premises in connection with such home occupation;
5. There shall be no change in the exterior appearance of the building or premises, to evidence that such property is used for a non-residential use;
6. No traffic shall be generated by such home occupation in greater volumes than would be expected in the residential neighborhood;
7. No home occupation shall result in exterior evidence of such use being conducted by reason of atmospheric pollution, light flashes, glare, odors, noise, or vibration discernible from abutting properties.
8. No signage or other on premise advertising shall be used in conjunction with a Home Occupation.

Any home occupation conducted under this section shall not be a nuisance to any abutting properties or to the general neighborhood.

SECTION 3147

Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a site plan or zoning permit application as applicable approved by the Planning Commission. These temporary buildings cannot be used for advertisement of any kind. However, the temporary building may display the builder's and/or developer's name/s.

SECTION 3149

Parking and Storage of Certain Vehicles

Unlicensed vehicles and disabled vehicles shall be stored inside an enclosed building or structure. Disabled vehicles are those which are in any state of disassembly, unable to drive under their own power, or are otherwise not roadworthy for driving on public streets. Automotive vehicles shall be parked or stored on a paved surface, except where driveways and parking areas serving one single-family residence on a lot of one acre or more shall be exempt from this requirement (refer to Section 3314). However, this exception shall not apply inside the City of Florence. One recreational vehicle or one trailer, which does not exceed 25 feet



in length or 9 feet width, may be stored in a side yard (excluding corner side yard) or rear yard only and shall be stored or parked only on a paved surface, except where driveways and parking areas serving one single-family residence on a lot of one acre or more shall be exempt from this requirement (refer to Section 3314). However, this exemption for one single-family residence on a lot of one acre or more shall not apply inside the City of Florence.

Vehicles used for employment or business purposes that are larger than a full size pick-up or a full size van (larger than one ton), or commercial style vehicles, trailers, implements, and equipment regardless of size such as dump trucks, tow trucks, Bobcat style implements, and trailers carrying lawn service equipment, shall not be stored or parked within residential zones.

In multi-family, mobile home parks, or townhouse developments, storage of recreational vehicles or boats shall be in designated areas only. These designated areas shall be illustrated on the appropriate zoning permit or site plan.

In employment or commercial districts, recreational vehicles or boats, shall be placed in designated storage areas only which are indicated on the approved Site Plan and not in any designated parking area.

The following provisions apply only to the City of Union (the provisions stated above do not apply to the City of Union):

Parking and/or storage of recreational vehicles, travel trailers, trucks, boats, and trailers used solely for the transport of the resident's recreational vehicle(s) is permitted in residentially zoned areas, provided all of the following conditions are satisfied:

- a) No more than two (2) such vehicles may be parked or stored on a single dwelling's property.
- b) No more than one (1) such vehicle may be parked or stored within the front yard of a dwelling.
- c) Such vehicles shall not be occupied for living purposes.
- d) Such vehicles shall be limited to those owned by the occupant of the dwelling.
- e) Such vehicles shall not be parked where such parking or storage shall constitute a clear and demonstrable traffic hazard, or be a threat to public health or safety.
- f) Such vehicles shall not be parked within the front yard where there is an existing driveway leading to the side or rear yard of the residence than can accommodate such vehicle.
- g) Such vehicles parked in a front or side yard shall be parked on a paved surface.
- h) Such vehicles parked in a front yard shall not exceed twenty five (25) feet in length, nor eight (8) feet six (6) inches in width, exclusive of accessory items such as antennas, masts, etc.
- i) Parking such vehicles in a front yard parallel to the front property line is prohibited except where a curved or circular driveway exists. In those cases, suitable screening of the vehicle shall be provided by the occupant of the premises.

Definitions:

- a) Recreational vehicles, travel trailers, trucks, boats, and trailers as referred to in this section shall mean vehicles, boats, vessels or other types of portable structures, with or without a mode of power, licensed or unlicensed, that are without permanent foundation, which can be towed, hauled, sailed, or driven, and are designed primarily for recreational, camping, fishing, sailing, and/or travel use, such as, but not limited to, travel trailers, motor homes, buses converted to recreational or other non-commercial uses, vans, trucks with or without camper shells, campers, camping trailers, motorcycles, off-road vehicles, aircraft, boats or other vessels.
- b) Front yard is that portion of the property measured from the front plane of the dwelling to the street, exclusive of sidewalks.
- c) That any definition herein is in conflict with any definition in Article 40 shall control the definitions in this section.

SECTION 3132

Glare

No activity, building, sign, light fixture, or other structure shall cause direct or reflected glare which is visible from any street or adjoining property.

SECTION 3138

Other General Provisions

The purpose of these supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

SECTION 3142

Home Occupations

Occupations of personal services, professional office or studios which are maintained or conducted solely within a dwelling will be permitted only if they meet all of the following performance standards:

1. The use is clearly incidental to the principal residential use;
2. The use is conducted entirely within a dwelling and not in any accessory buildings;
3. Only members of the household residing on the premises may be the primary owners/operators of such operation, in addition, no more than one (1) person, other than members of the household residing on the premises, shall be engaged in such operations;
4. No commodity shall be sold on the premises in connection with such home occupation;
5. There shall be no change in the exterior appearance of the building or premises, to evidence that such property is used for a non-residential use;
6. No traffic shall be generated by such home occupation in greater volumes than would be expected in the residential neighborhood;
7. No home occupation shall result in exterior evidence of such use being conducted by reason of atmospheric pollution, light flashes, glare, odors, noise, or vibration discernible from abutting properties.
8. No signage or other on premise advertising shall be used in conjunction with a Home Occupation.

Any home occupation conducted under this section shall not be a nuisance to any abutting properties or to the general neighborhood.

SECTION 3147

Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a site plan or zoning permit application as applicable approved by the Planning Commission. These temporary buildings cannot be used for advertisement of any kind. However, the temporary building may display the builder's and/or developer's name/s.

SECTION 3149

Parking and Storage of Certain Vehicles

Unlicensed vehicles and disabled vehicles shall be stored inside an enclosed building or structure. Disabled vehicles are those which are in any state of disassembly, unable to drive under their own power, or are otherwise not roadworthy for driving on public streets. Automotive vehicles shall be parked or stored on a paved surface, except where driveways and parking areas serving one single family residence on a lot of one acre or more shall be exempt from this requirement (refer to Section 3314). However, this exception shall not apply inside the City of Florence. One recreational vehicle or one trailer, which does not exceed 25 feet

Kevin Wall

From: Kevin Wall
Sent: Friday, March 01, 2013 12:31 PM
To: Mitch Light
Subject: FW: Property 15487 Lebanon Crittenden Rd

From: Matt Smith [<mailto:MSmith@ZSLAW.COM>]
Sent: Friday, March 01, 2013 12:27 PM
To: Kevin Wall
Subject: Property 15487 Lebanon Crittenden Rd

Kevin,

This is just to follow up my telephone call to you this afternoon. In response to the letter you sent February 7, 2013, Mr. Ray Ranscum will be removing his wreckers and stored vehicles to his Walton site by March 8th and will be applying to operate a legal Home Office Occupation in the next week. Thanks.

Matt

Matthew C. Smith, Esq.
Ziegler & Schneider, P.S.C.
541 Buttermilk Pike
Suite 500
P.O. Box 175710
Covington, Ky 41017
(859) 426-1300 (phone)
(859) 426-0222 (fax)

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IRS CIRCULAR 230 Disclosure: Under U S Treasury regulations, we are required to inform you that any tax advice contained in this e-mail or any attachment hereto was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties imposed under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Kevin Wall

From: Kevin Costello
Sent: Thursday, March 07, 2013 2:58 PM
To: Ray Branscum
Cc: Kevin Wall; Mitch Light
Subject: RE: 15487 HWY 491 Verona, Ky 41092

Mr. Branscum:

From your e-mail message, I understand that you have retained a different attorney and need additional time to consult with him/her regarding your proposed use and the appropriate review procedures for your property located at 15487 HWY 491 in Verona. As a result, I am extending the deadline by 2 weeks or until March 22nd to submit documentation on the prior use of the property or the appropriate permit/review application in order to be in compliance with the zoning regulations. Please feel free to contact our office if you need further assistance on this matter.

Sincerely,

Kevin P. Costello, AICP
Executive Director
Boone County Planning Commission

From: Ray Branscum [<mailto:info@rbirepair.com>]
Sent: Thursday, March 07, 2013 12:21 PM
To: Kevin Costello
Subject: 15487 HWY 491 Verona, Ky 41092

Dear Mr Kevin Costello, I am requesting two additional weeks to remove stored vehicles and equipment. I have a new attorney and would like to reconsider home occupancy permit application.

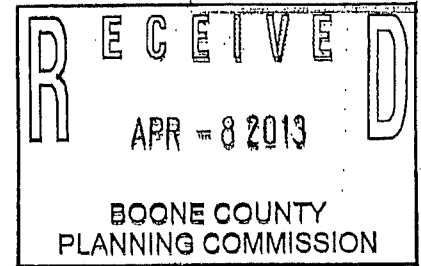
Thank you
Ray Branscum

HEMMER
■ DEFRANK
ATTORNEYS AT LAW

Email: rbrueggemann@hemmerlaw.com
Direct Dial: 859-578-3855

April 5, 2013

Mr. Kevin Costello
Mr. Kevin Wall
Mr. Mitch Light
Boone County Planning Commission
2950 Washington St.
Room 317
P.O. Box 958
Burlington, KY 41005



Re: 15487 Lebanon Crittenden Road / Ray Branscum

Dear Messrs. Costello, Wall and Light:

I write on behalf of our client, Mr. Branscum, and in follow up to our meeting of March 14, 2013 concerning his property at 15487 Lebanon Crittenden Road, Verona, Kentucky. First, thank you for taking the time to meet with me. As indicated at our meeting, I've obtained evidence to support our position that the property is subject to a nonconforming use classification pursuant to KRS § 100.253(3) as a heavy trucking, truck repair and excavation business. I've enclosed a Memorandum of fact documenting that operation was in continuous existence on the property for more than ten years.

Once you have had a chance to review the enclosed, I trust you will agree the evidence supports the nonconforming use of a heavy trucking/repair business exists. Please let me know whether you deem a towing business/truck repair facility should fall under "the same or a more restrictive classification" as a heavy trucking, excavation and repair. I will look forward to hearing from you.

If you have any questions concerning the enclosed Memorandum please feel free to call. Again, I appreciate your time and attention to this matter. Thank you very much.

Sincerely,

Richard A. Brueggemann

MEMORANDUM

To: Boone County Planning Commission (“Commission”)

From: Richard A. Brueggemann, on behalf of Ray Branscum

Re: Nonconforming Use/15487 Lebanon Crittenden Road, Verona

Date: April 5, 2013

This memorandum presents the facts and supporting evidence as to why the property located at 15487 Lebanon Crittenden Road, Verona 41092 (the “**Property**”) has an established nonconforming use as a heavy trucking/excavation, truck/heavy equipment repair business (the “**Heavy Truck Terminal & Repair Business**”).

I. BACKGROUND

Mr. Thomas Morgan first obtained interest in the Property on August 18, 1986.¹ Sometime thereafter, Thomas gained full possession of the Property and commenced operating a Heavy Truck Terminal/Repair Business. At the latest, this business was operating on the Property by July 9, 1998.² Circa December 2003, Mr. Thomas organized his business as a legal entity called, “All Ways Trucking & Excavating LLC,” which continued operating a Heavy Truck Terminal & Repair Business on the Property.³ Although no longer operating as a sole proprietor, Mr. Thomas owned All Ways Trucking & Excavating LLC.⁴ On some date between October 9, 2011 and January 31, 2012, Mr. Thomas or All Ways Trucking & Excavating, or both, vacated the Property.⁵ On January 31, 2012, Mr. Branscum purchased the Property.⁶ Thereafter, Mr. Branscum began operating his business on the Property. Mr. Branscum’s use of the property primarily consists of a terminal to stage or park his tow trucks and vehicles towed, and a repair facility, primarily for his tow trucks (the “**Towing & Repair Business**”).

¹ See deed recorded at Deed Book 350, Page 178, in the records of the Boone County Clerk’s office in Burlington, Kentucky. The initial Thomas interest was as remainderman to a life estate of Finley and Edna Centers.

² See July 9, 1998 Truck & Trailer Supply Invoice and delivery information at Exhibit I.

³ See Articles of Organization filed for All Ways Trucking & Excavating LLC, attached at Exhibit A.

⁴ *Id.*

⁵ See Daly, Nancy, *Boone County Police Reports*, The Boone County Recorder, October 23, 2011 (reporting theft of tools at Property on October 9, 2011); copy is attached at Exhibit B.

⁶ See deed recorded at Deed Book 1001, Page 376, in the records of the Boone County Clerk’s office in Burlington, Kentucky.

II. THE PROPERTY HAS A NONCONFORMING USE

A. Applicable Law.

KRS § 100.253(3) states that:

Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

B. Proof of Continuous Use.

Although we currently do not know the exact date that Mr. Thomas ceased operating his All Ways Trucking & Excavating, it had to be sometime after October 9, 2011. Police Reports for the Boone County Recorder indicated tools were stolen from the Property on that date.⁷ In addition, delivery records from Truck & Trailer Supply show deliveries of truck parts being made to the Property for All Ways Trucking & Excavating LLC at least as late as May 5, 2011.⁸ The following evidence proves that Mr. Thomas used the Property as a Heavy Truck Terminal & Repair Business for ten continuous years prior to Mr. Branscum's purchase: First, this is demonstrated by sworn testimony of property owners of parcels adjoining or near the Property. The testimony of these individuals is also corroborated by business records showing deliveries of truck parts, payment records of Boone County, Kentucky, PVA assessment cards, and articles of organization.

1. Testimony of Neighbors

Mr. Gene Dixon,⁹ Charles "Walt" Ryan,¹⁰ Susan Stephenson,¹¹ Lee Anne Ryan,¹² and Rhonda Dixon,¹³ all owning parcels and living near the Property for more than ten years, have testified that:

⁷ See and fn. 4., *supra.*, see also Exhibit B.

⁸ See May 5, 2011 Truck & Trailer Supply Invoice and delivery information at Exhibit C.

⁹ See Affidavit of Gene Dixon at Exhibit D.

¹⁰ See Affidavit of Charles "Walt" Ryan at Exhibit E.

¹¹ See Affidavit of Susan Stephenson at Exhibit F.

¹² See Affidavit of Lee Anne Ryan at Exhibit G.

¹³ See Affidavit of Rhonda Dixon at Exhibit H.

- Mr. Morgan Thomas operated a trucking and excavation business out of the 15487 Property for at least ten continuous years prior to the time Mr. Branscum began his operation there.
- Mr. Thomas' use included equipment and trucks parked about the 15487 property, and parts and tires stacked outside. Mr. Thomas also performed repairs to trucks on the property.
- Mr. Branscum's current use and operation of the 15487 Property is less intense and more esthetically pleasing than was that of Mr. Thomas, the prior owner.

The consensus of these property owners is that Mr. Thomas operated a Heavy Truck Terminal & Repair Business at the Property for at least ten years. They also all agree that Mr. Branscum's current use of the Property is less intense and more esthetically pleasing than was the prior owner's.

2. Corroboration of Sworn Testimony

In addition to the police and business records cited above documenting the Property's use as Heavy Truck Terminal & Repair Business in 2011, the following demonstrates occurred for more than thirteen years prior. Business records from Truck & Trailer Supply show deliveries of truck parts were made to the Property at least as early as July 9, 1998.¹⁴ Vendor records of Boone County demonstrates payments being made by the County to All Ways Trucking & Excavation during periods from 2003 through 2005.¹⁵ The records of the Kentucky Secretary of State indicate Mr. Thomas organized All Ways Trucking & Excavating LLC in December, 2003.¹⁶ Property Assessment cards from the Boone County Property Valuation Administrator's office show photos of the Heavy Truck Terminal & Repair Business in operation on the 2006 assessment card.¹⁷ This 2006 card shows two buildings being used in the Heavy Truck Terminal & Repair Business, one as the shop for trucking being approximately 30' x 50' and the other being 46' x 36' more or less.¹⁸ The assessment card for 2002 has a sketch of the metal 46' x 36' building that was in use at that time.¹⁹

¹⁴ See July 9, 1998 Truck & Trailer Supply Invoice and delivery information at Exhibit I.

¹⁵ See Boone County's Vendor Payment Records at Exhibit J.

¹⁶ See Exhibit A.

¹⁷ See 2006 Boone County PVA Assessment Card at Exhibit K.

¹⁸ *Id.*

¹⁹ See 2002 Boone County PVA Assessment Card at Exhibit L.

III. CONCLUSION

Mr. Thomas' Heavy Truck Terminal & Repair Business was in continuous existence for a period of at least ten years. Even without more, the sworn testimony of five neighbors who witnessed that operation throughout the years establishes this continuous use of the Property. And their testimony is corroborated with business and government records throughout a span of over 13 years. Pursuant to KRS 100.253(3), this evidence establishes Mr. Branscum's Towing & Repair Business is a nonconforming use.

Respectfully Submitted,



Richard A. Brueggemann (#90619)
Hemmer DeFrank PLLC
250 Grandview Drive, Suite 500
Fort Mitchell, Kentucky 41017
(859) 344-1188
RBrueggemann@HemmerLaw.com

Counsel for Mr. Ray Branscum

Table of Exhibits

- Exhibit A - Articles of Organization of All Ways Trucking & Excavating LLC
 - Exhibit B - *Boone County Police Reports*, the Boone County Recorder
 - Exhibit C - May 5, 2011 Truck & Trailer Supply Invoice
 - Exhibit D - Affidavit of Gene Dixon
 - Exhibit E - Affidavit of Charles "Walt" Ryan
 - Exhibit F - Affidavit of Susan Stephenson
 - Exhibit G - Affidavit of Lee Anne Ryan
 - Exhibit H - Affidavit of Rhonda Dixon
 - Exhibit I - July 9, 1998 Truck & Trailer Supply Invoice
 - Exhibit J - Boone County's Vendor Payment Records
 - Exhibit K - 2006 Boone County PVA Assessment Card
 - Exhibit L - 2002 Boone County PVA Assessment Card
-

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Dornish
LAOO

John Y. Brown III

Secretary of State

Received and Filed

12/15/2003 10:12:42 AM

Fee Receipt: \$40.00

ARTICLES OF ORGANIZATION

OF

ALL WAYS TRUCKING AND EXCAVATING, LLC

The undersigned organizer, **JAMES G. WOLTERMANN**, hereby executes these Articles of Organization for the purpose of forming and organizing and does hereby form and organize a Kentucky limited liability company pursuant to the Kentucky Limited Liability Company Act in accordance with the following provisions:

ARTICLE I

NAME

The name of the limited liability company shall be **ALL WAYS TRUCKING AND EXCAVATING, LLC** (the "Company").

ARTICLE II

INITIAL REGISTERED OFFICE AND INITIAL REGISTERED AGENT

The street address of the Company's initial registered office shall be located at **40 W. Pike Street, Covington, Kentucky 41011** and the initial registered agent at such office shall be **James G. Woltermann**.

ARTICLE III

INITIAL PRINCIPAL OFFICE

The mailing address of the initial principal office of the Company shall be located at **4999 Burlington Pike, Burlington, Kentucky 41005**.

ARTICLE IV

STATEMENT OF MANAGEMENT

The Company shall be managed by its member or members in accordance with the Operating Agreement of the Company.

ARTICLE VI

DISSOLUTION

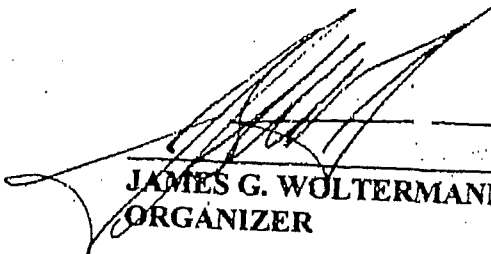
The Company does not have a specific date of dissolution. The Company shall dissolve as provided in the Kentucky Limited Liability Company Act and the Operating Agreement of the Company.

ARTICLE VII

STATEMENT OF LIMITED LIABILITY

Except as otherwise provided by Kentucky law, no member, manager, agent or employee of the Company shall be personally liable for the debts, obligations, or liabilities of the Company, whether arising in contract, tort or otherwise, or for the acts or omissions of any other member, manager, agent or employee of the Company.

IN WITNESS WHEREOF, the undersigned has duly executed these Articles of Organization of **ALL WAYS TRUCKING AND EXCAVATING, LLC** as of this 12TH day of December, 2003.

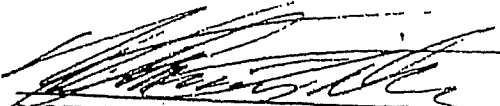


JAMES G. WOLTERMANN
ORGANIZER

COMMONWEALTH OF KENTUCKY)

COUNTY OF KENTON) SS:
)

I, W. THOMAS FECHER, a Notary Public, do hereby certify that on the 12th day of December, 2003, personally appeared before me **JAMES G. WOLTERMANN**, who, being first duly sworn, declared that he is the organizer of **ALL WAYS TRUCKING AND EXCAVATING, LLC** that he signed the foregoing document as organizer of the Limited Liability Company, and that the statements contained therein are true.



NOTARY PUBLIC - STATE AT LARGE
My Commission Expires: 8/4/07

ADAMS, STEPNER, WOLTERMANN & DUSING,
P.L.L.C.

Attorneys and Counselors at Law

DONALD L. STEPNER * LONI A. SCHLARMAN *
JAMES G. WOLTERMANN * SCOTT M. GÜENTHER *
GERALD F. DUSING ROBERT D. DILTS *
MICHAEL M. SKETCH * CATHERINE D. STAVROS *
DENNIS R. WILLIAMS * JEFFREY A. STEPNER *
JAMES R. KRUTER * W. THOMAS FISHER *
JEFFREY C. MANDO * BRIAN M. ELLERMAN ***
MARK D. DITZ * JASON C. KULLMAN *
STACEY L. GRAUS * MARY PYLE BURNS *
MARY ANN STEWART * TARA R. JONES **

40 WEST PIKE STREET

P.O. BOX 861

COVINGTON, KENTUCKY 41012-0861

859-394-6200

FAX 859-291-7902

1100 BURLINGTON PIKE - SUITE 411
P.O. BOX 576
FLORENCE, KENTUCKY 41021-0576
859-371-6220
FAX 859-371-4341

2407 ASHLAND AVENUE
CINCINNATI, OHIO 45206
859-394-6200

* ALSO ADMITTED IN OHIO
** ADMITTED ONLY IN OHIO
*** ALSO ADMITTED IN OHIO & INDIANA

CHARLES S. ADAMS (1906-1971)
C. GORDON WALKER (1911-1967)

December 12, 2003

Kentucky Secretary of State
700 Capital Blvd
Frankfort, KY 40602

RE: All Ways Trucking and Excavating, LLC

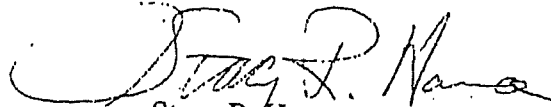
To Whom it May Concern:

Enclosed, please find the original Articles of Organization for All Ways Trucking and Excavating, LLC along with two (2) copies and a check in the amount of Forty Dollars and 00/100 (\$40) for filing fees. Please return a filed stamped copy to our office using the enclosed self-addressed stamped envelope.

If you have any questions, please contact me.

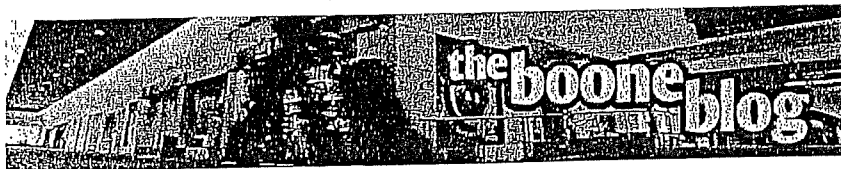
Very truly yours,

Adams, Stepner, Woltermann
& Dusing, P.L.L.C.



Stacy R. Hanna
Legal Secretary/Assistant to
W. Thomas Fisher

:srh
enclosures



Boone County police reports

10/23/11 at 8:44pm by Nancy Daly

Comments

Tweet 0

Like 0

ARRESTS/CITATIONS

Khadim Dlop, 57, leaving the scene of an accident at U.S. 42, Aug. 29.

Kimberly Collins, 34, shoplifting at 5000 Mall Rd., Aug. 29.

Michael R. Haste, 41, operating a motor vehicle on a suspended or revoked license at I-75 northbound, Aug. 28.

Oscar Meija, 21, DUI at Cavalier Blvd., Aug. 29.

Phillip W. Jones Jr., 43, DUI, reckless driving at I-75 northbound, Aug. 28.

Michael E. Gabbard, 32, first-degree criminal mischief, DUI, leaving the scene of an accident at 7123 Manderlay Dr., Sept. 14.

Skyler N. Schwerts, 18, shoplifting at 1100 Hansel Ave., Sept. 16.

Joseph L. Cockerham, 26, theft of identity of another, theft by unlawful taking, giving officer a false name at Mt. Zion Rd., Sept. 17.

Matthew L. Honshell, 27, possession of controlled substance (heroin), possession of drug paraphernalia at Whitfield Ave., Oct. 9.

Laura E. Mckenzie, 28, public intoxication – controlled substance at 196 Hughes Dr., Oct. 9.

Joanna E. Martin, 28, promoting contraband at 3020 Conrad Ln., Oct. 9.

Joanna E. Martin, 28, public intoxication – controlled substance at 4941 Houston Rd., Oct. 9.

Lisa Ann C. Hopper, 39, theft-shoplifting at 12300 Towne Center Dr., Oct. 8.

Stephanie M. Prewitt, 26, public intoxication, disorderly conduct at 905 Jenny Ct., Oct. 8.

James Q. Gabbert, 56, promoting prostitution at 145 Richwood Rd., Oct. 7.

EXHIBIT B

Garrett A. Hardy, 24, DUI at 762 Frogtown Rd., Oct. 7.

Lynda D. Root, 37, theft-shoplifting at 635 Chestnut Dr., Oct. 6.

Jason R. Abner, 33, driving on suspended license at 1583 Basswood Ct., Oct. 5.

Zach V. Daniels, 27, burglary, public intoxication, resisting arrest at 1234 North Bend Rd., Oct. 5.

Dyna L. Dalley, 42, leaving scene of accident, driving on DUI suspended license at 105 Main St., Oct. 5.

Schnider M. Jonathan, 21, public intoxication at Kingsgate Dr. and Princeton, Oct. 3.

Destiny M. Gordon, 39, theft-shoplifting at 12300 Towne Center Dr., Oct. 3.

Alfonso Macedo, 26, no operators moped license, failure to produce insurance card, DUI at Roe Street and Alta Vista, Oct. 3.

INCIDENTS/INVESTIGATIONS

Assault

Victim assaulted by known subject at 7208 Hopeful Rd., Aug. 27.

Fourth degree at 9431 Cloverhill Dr., Oct. 7.

Burglary

Hotel room broken into and items taken at 50 Cavalier Blvd., Aug. 29.

Residence broken into and items taken at 7787 Ewing Blvd., Aug. 29.

Residence broken into and items taken at 103 St. Judes Cir., Aug. 28.

Residence broken into and items taken at 9716 E. Bend Rd., Sept. 12.

Second degree at 2225 Verona Mudlick Rd., Oct. 9.

Computer hardware/software stolen at 10734 N. Calle Victoria Rd., Oct. 8.

Firearms, jewelry stolen at 14075 Brown Rd., Oct. 6.

Third degree at 1234 North Bend Rd., Oct. 5.

Criminal mischief

Vehicle vandalized at 8213 Preakness Dr., Aug. 27.

Property vandalized at 10412 Dixie Hwy., Sept. 16.

Vehicle vandalized at 1155 Worldwide Blvd., Sept. 26.

Vehicle vandalized at Dixie Hwy., Sept. 16.

Property vandalized at Orleans Blvd., Sept. 17.

Turfed yard damaged/vandalized at 8283 Dixie Hwy., Oct. 8.

Structures damaged/vandalized at 430 Sunnybrook Dr., Oct. 7.

Automobiles damaged/vandalized at 2497 Hilliard Dr., Oct. 8.

Criminal possession of forged instruments

Negotiable instruments counterfeited/forged at 69 Cami Ct., Oct. 6.

Forgery, theft

Negotiable instruments (check) counterfeited/forged and stolen at 5993 Merchants St., Oct. 6.

Fraud

Victim's checking account information stolen at 1085 Merrell Rd., Aug. 18.

Victim's checking account information stolen at 7614 Cloudstone Dr., Sept. 22.

Victim's checking account information stolen at 1853 Bordeaux Dr., Sept. 23.

Subject attempted to use a stolen credit card at 4800 Houston Dr., Sept. 25.

Incident report

Stolen property recovered at 5000 Mall Rd., Aug. 29.

Investigation at residence at 600 Blair Dr., Sept. 25.

Promoting contraband

Drugs seized at 3020 Conrad Ln., Oct. 9.

Terroristic threatening

Third degree at 1739 Deer Run Dr., Oct. 9.

Third degree at 325 Rocky Point Ct., Oct. 5.

Theft

Tools stolen at 15487 Lebanon Crittenden Rd., Oct. 9.

Tools stolen at 12438 Hutton Dr., Oct. 9.

Computer hardware/software stolen at 280 Melinda Ln., Oct. 6.

Items stolen at 396 Wysteria Village Dr., Oct. 4.

Items stolen at 8276 Camp Ernst Rd., Oct. 5.

Vehicle parts/accessories stolen at 69 Buds Pleasure Ct., Sept. 26.

Jewelry stolen at 12300 Towne Center Dr., Oct. 8.

Merchandise stolen at 635 Chestnut Dr., Oct. 6.

Consumable goods stolen at 196 Mary Grubbs Hwy., Oct. 4.

Subject tried to steal goods from Macy's at 5000 Mall Rd., Aug. 29.

Subject tried to steal merchandise from Target at 1100 Hansel Ave., Sept. 16.

Bicycle stolen from residence at 6810 Sebree Dr., Aug. 29.

Registration plate stolen from vehicle at 6759 Curtis Way, Aug. 29.

Items stolen from residence at 6950 Shenandoah Dr., Aug. 29.

Items stolen from residence at 8617 Red Mile Tr., Aug. 29.

Items stolen from residence at 111 Lloyd Ave., Aug. 28.

Items stolen from restaurant at 8455 U.S. 42, Aug. 27.

Items stolen from restaurant at 7635 Mall Rd., Aug. 27.

Purse stolen from victim at Meijer at 4990 Houston Rd., Aug. 27.

Items stolen from residence at 13 Meadow Ln., Aug. 27.

Items stolen from business at 3675 N. Bend Rd., Aug. 24.

Items stolen from residence at 5028 Hand Rd., Aug. 29.

Items stolen from residence at 1502 Dublin Pl., Aug. 31.

Items stolen from business at 2006 Petersburg Rd., Sept. 1.

Items stolen from residence at 2372 Frontier Dr., Sept. 2.

Items stolen from residence at 1502 Dublin Pl., Sept. 23.

Items stolen from residence at 7457 Cumberland Cir., Sept. 24.

Items stolen from residence at 11390 Big Bone Church Rd., Sept. 27.

Items stolen from business at 7141 Turfway Rd., Sept. 17.

Theft from auto

Vehicle broken into and items taken at 7153 Spruce St., Aug. 29.

Vehicle broken into and items taken at 1330 Tamarack Cir., Sept. 14.

Items stolen at 2255 Hawes Dr., Oct. 9.

Credit/debit cards stolen at 181 Overland Ridge No. 188, Oct. 6.

Vehicle parts/accessories stolen at 1065 Aviation Blvd., Oct. 6.

Theft of auto

Vehicle stolen and not recovered at 6380 Browning Trl., Sept. 16.

About police reports

The Community Recorder publishes the names of all adults charged with offenses. The information is a matter of public record and does not imply guilt or innocence.

To contact your local police department:

Boone County Sheriff Mike Helmig at 334-2175;

Florence Police Chief Tom Szurlinski at 647-5420.

Posted in: Police Reports

Tags: Allboone

YOU MIGHT BE INTERESTED IN

- Putting UC's shooting into perspective
- Who replaces Ryan Ludwick?
- One month until the Draft: Here's Mock Version 2.0
- Why dispatch a fire engine to every medical run?
- C'mon Doc, stop bashing our coaches
- UC sent 125 recruiting letters to Winton Woods Junior defensive lineman Daniel Cage

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- Cheerleader of the Week - SI.com Photos (Sports Illustrated)
- 40 'Can't-Miss' Superstars Who Flamed out Before the Hall of Fame (Bleacher Report)
- No More Mr. Nice Dolphin: Miami Unveils a New Logo (BusinessWeek)
- 10 best athlete-owned restaurants (FOXNews.com - Leisure)
- Khloé Kardashian Odom Flaunts Her Figure in Tight White Mini Dress (Cambio)
- Justin Verlander Squats Hundreds of Pounds (STACK)

[?]

Comments are closed
Add your comment

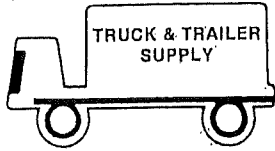
Guidelines: You share in the this community, so please keep your comments smart and civil. Don't attack other readers personally, and keep your language decent. If a comment violates these standards or our terms of service, click the "X" in the upper right corner of the comment box to report spam or abuse.

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Phone: 859-485-8800 or 888-635-1906, Office Fax: 859-572-1051
 www.TruckandTrailerSupply.Net Parts Fax: 859-485-8806

INVOICE DATE	INVOICE NUMBER
05/05/11	KK164561

>>> I N V O I C E <<<

*** CREDIT CARD ***

Duplicate Copy

SOLD TO
 AL150 ALLWAYS TRUCKING, INC.
 PO BOX 195
 VERONA, KY 41092

SHIP TO
 ALLWAYS TRUCKING, INC.
 15487 LEBANON CRITTENDEN RD
 VERONA, KY 41092

CUSTOMER ORDER NO		DATE SHIPPED	SHIPPED VIA	TERMS	PARTSMAN	
		05/05/11	DELIVER	NET 10TH PROX	MIKE PAUL	
SHIPPED	B.O.	U/M	PART NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT
4		EA	LSE-4707Q-H23	LINED "Q-PLUS" SHOE-EXCH-PREM	25.75	103.00
2		EA	UNL-4707Q	7" Q PLUS CORE	21.50	43.00
2		EA	RWS-KIT8000HDBULK	Q BRAKE KIT-HEAVY DUTY	12.67	25.34
2		EA	BDG-3141B	8 HOLE 16.5 X 7.00 BRAKE DRUM	175.30	350.60
** CORES MUST BE RETURNED WITHIN 90 DAYS TO RECEIVE CREDIT **						
**** EXCHANGE CORE'S DUE ****						
			UNL-4707Q	Quantity	Core Value	
				2	21.50	
** Exchange cores not received within 5 days will be billed **						
THANK YOU						
CHECK OUT OUR WINTER CHEMICALS, CHAINS, ETC WE APPRECIATE YOUR BUSINESS					PARTS	521.94
					LABOR	0.00
					SUB-TOT	521.94
					TAX	31.32
					TOTAL	553.26

ALL RETURNS SUBJECT TO PRIOR APPROVAL

Terms - Net 10th Prox. 1.5% per month (18%) per annum on accounts 30 days past due

The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

EXHIBIT C

**In Re: 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092
Boone County Planning Commission v. Ray Branscum**

AFFIDAVIT OF GENE DIXON

Comes now affiant, Gene Dixon, after having first been duly cautioned and sworn, deposes and states as follows according to his best recollection and belief:

1. My name is Gene Dixon. I am of legal age and reside at 15458 Lebanon-Crittenden Rd Verona, Kentucky 41092. I have personal knowledge concerning the statements in this affidavit.

2. I am a neighbor to Ray Branscum. Mr. Branscum owns the property at 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092 (the "15487 Property"). Mr. Branscum currently operates a towing service out of the 15487 Property.

3. Mr. Morgan Thomas owned the 15487 Property before Mr. Branscum acquired it. Mr. Thomas operated a trucking and excavation business out of the 15487 Property for at least ten continuous years prior to the time Mr. Branscum began his operation there. Mr. Thomas' use included equipment and trucks parked about the 15487 property, and parts and tires stacked outside. Mr. Thomas also performed repairs to trucks on the property.

4. It is my view as a neighbor that Mr. Branscum's current use and operation of the 15487 Property is less intense and more esthetically pleasing than was that of Mr. Thomas, the prior owner.

FURTHER, AFFIANT SAYETH NAUGHT.


Gene Dixon

EXHIBIT D

In Re: 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092
Boone County Planning Commission v. Ray Branscum

AFFIDAVIT OF CHARLES ("WALT") RYAN

Comes now affiant, Charles ("Walt") Ryan, after having first been duly cautioned and sworn, deposes and states as follows according to his best recollection and belief;

1. My name is Charles ("Walt") Ryan. I am of legal age and reside at 15329 Lebanon-Crittenden Rd Verona, Kentucky 41092. I have personal knowledge concerning the statements in this affidavit.
2. I am a neighbor to Ray Branscum. Mr. Branscum owns the property at 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092 (the "15487 Property"). Mr. Branscum currently operates a towing service out of the 15487 Property.
3. Mr. Morgan Thomas owned the 15487 Property before Mr. Branscum acquired it. Mr. Thomas operated a trucking and excavation business out of the 15487 Property for at least ten continuous years prior to the time Mr. Branscum began his operation there. Mr. Thomas' use included equipment and trucks parked about the 15487 property, and parts and tires stacked outside. Mr. Thomas also performed repairs to trucks on the property.
4. It is my view as a neighbor that Mr. Branscum's current use and operation of the 15487 Property is less intense and more esthetically pleasing than was that of Mr. Thomas, the prior owner.

FURTHER, AFFIANT SAYETH NAUGHT.



Charles ("Walt") Ryan

EXHIBIT E

STATE OF KENTUCKY)
) SS:
COUNTY OF BOONE)

The foregoing affidavit was signed, acknowledged and sworn to before me, a notary public for the State and County aforesaid, on this 20th day of March 2013, by Charles ("Walt") Ryan as his own free and voluntary act.

James S. Lee #451598
Notary Public
My commission expires: 9/30/15

**In Re: 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092
Boone County Planning Commission v. Ray Branscum**

AFFIDAVIT OF SUSAN STEPHENSON

Comes now affiant, Susan Stephenson, after having first been duly cautioned and sworn, deposes and states as follows according to her best recollection and belief:

1. My name is Susan Stephenson. I am of legal age and reside at 15519 Lebanon-Crittenden Rd Verona, Kentucky 41092. I have personal knowledge concerning the statements in this affidavit.
2. I am a neighbor to Ray Branscum. Mr. Branscum owns the property at 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092 (the "15487 Property"). Mr. Branscum currently operates a towing service out of the 15487 Property.
3. Mr. Morgan Thomas owned the 15487 Property before Mr. Branscum acquired it. Mr. Thomas operated a trucking and excavation business out of the 15487 Property for at least ten continuous years prior to the time Mr. Branscum began her operation there. Mr. Thomas' use included equipment and trucks parked about the 15487 property, and parts and tires stacked outside. Mr. Thomas also performed repairs to trucks on the property.
4. It is my view as a neighbor that Mr. Branscum's current use and operation of the 15487 Property is less intense and more esthetically pleasing than was that of Mr. Thomas, the prior owner.

FURTHER, AFFIANT SAYETH NAUGHT.

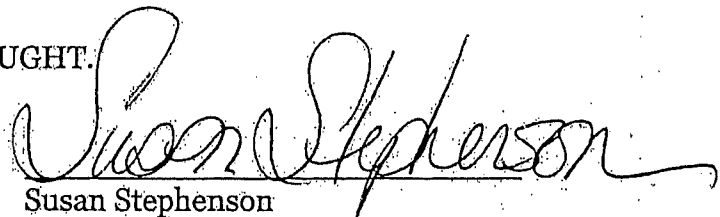

Susan Stephenson

EXHIBIT F

STATE OF KENTUCKY)
) SS:
COUNTY OF BOONE)

The foregoing affidavit was signed, acknowledged and sworn to before me, a notary public for the State and County aforesaid, on this 21 day of March 2013, by Susan Stephenson as her own free and voluntary act.

Melissa Dunbar
Notary Public Notary ID No. 475761
My commission expires My Commission Expires 10/1/2016



**In Re: 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092
Boone County Planning Commission v. Ray Branscum**

AFFIDAVIT OF LEE ANN RYAN

Comes now affiant, Lee Ann Ryan, after having first been duly cautioned and sworn, deposes and states as follows according to her best recollection and belief:

1. My name is Lee Ann Ryan. I am of legal age and reside at 15459 Lebanon-Crittenden Rd Verona, Kentucky 41092. I have personal knowledge concerning the statements in this affidavit.

2. I am a neighbor to Ray Branscum. Mr. Branscum owns the property at 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092 (the "15487 Property"). Mr. Branscum currently operates a towing service out of the 15487 Property.

3. Mr. Morgan Thomas owned the 15487 Property before Mr. Branscum acquired it. Mr. Thomas operated a trucking and excavation business out of the 15487 Property for at least ten continuous years prior to the time Mr. Branscum began her operation there. Mr. Thomas' use included equipment and trucks parked about the 15487 property, and parts and tires stacked outside. Mr. Thomas also performed repairs to trucks on the property.

4. It is my view as a neighbor that Mr. Branscum's current use and operation of the 15487 Property is less intense and more esthetically pleasing than was that of Mr. Thomas, the prior owner.

FURTHER, AFFIANT SAYETH NAUGHT.

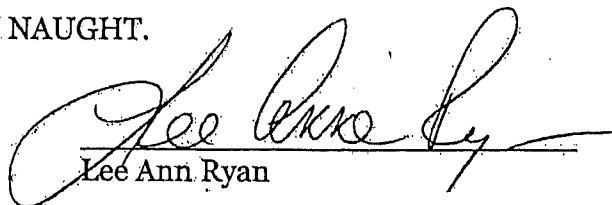

Lee Ann Ryan

EXHIBIT G

STATE OF KENTUCKY)
) SS:
COUNTY OF BOONE)

The foregoing affidavit was signed, acknowledged and sworn to before me, a notary public for the State and County aforesaid, on this 20th day of March 2013, by Lee Ann Ryan as her own free and voluntary act.

Jama S. Lee #451598
Notary Public
My commission expires: 9/30/15

**In Re: 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092
Boone County Planning Commission v. Ray Branscum**

AFFIDAVIT OF RHONDA DIXON

Comes now affiant, Rhonda Dixon, after having first been duly cautioned and sworn, deposes and states as follows according to her best recollection and belief:

1. My name is Rhonda Dixon. I am of legal age and reside at 15508 Lebanon-Crittenden Rd Verona, Kentucky 41092. I have personal knowledge concerning the statements in this affidavit.

2. I am a neighbor to Ray Branscum. Mr. Branscum owns the property at 15487 Lebanon-Crittenden Rd Verona, Kentucky 41092 (the "15487 Property"). Mr. Branscum currently operates a towing service out of the 15487 Property.

3. Mr. Morgan Thomas owned the 15487 Property before Mr. Branscum acquired it. Mr. Thomas operated a trucking and excavation business out of the 15487 Property for at least ten continuous years prior to the time Mr. Branscum began her operation there. Mr. Thomas' use included equipment and trucks parked about the 15487 property, and parts and tires stacked outside. Mr. Thomas also performed repairs to trucks on the property.

4. It is my view as a neighbor that Mr. Branscum's current use and operation of the 15487 Property is less intense and more esthetically pleasing than was that of Mr. Thomas, the prior owner.

FURTHER, AFFIANT SAYETH NAUGHT.


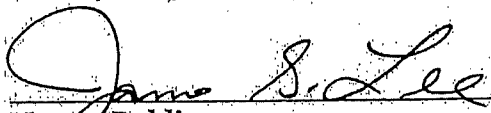
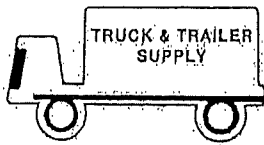

Rhonda Dixon

EXHIBIT H

STATE OF KENTUCKY)
) SS:
COUNTY OF BOONE)

The foregoing affidavit was signed, acknowledged and sworn to before me, a notary public for the State and County aforesaid, on this 20th day of March 2013, by Rhonda Dixon as her own free and voluntary act.

 #451598
Notary Public
My commission expires: 9/30/15



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 WALTON, KY 41094

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 www.TruckandTrailerSupply.Net Parts Fax: 859-485-8806

INVOICE DATE	INVOICE NUMBER
07/09/98	TT210189

>>> I N V O I C E <<<

*** CASH SALE ***

Duplicate Copy

SOLD TO

AL150

ALLWAYS TRUCKING, INC.
 PO BOX 195
 VERONA, KY 41092

SHIP TO

ALLWAYS TRUCKING, INC.
 15487 LEBANON CRITTENDEN RD
 VERONA, KY 41092

CUSTOMER ORDER NO.		DATE SHIPPED	SHIPPED VIA	TERMS	PARTSMAN	
		07/09/98	DELIVER - COD	NET 10TH PROX	MIKE PAUL	
SHIPPED	B.O.	U/M	PART NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT
1		EA	BWR-OR281865X	RE-6 RELAY EMRG VLV	38.79	38.79
2		EA	TEC-181SW36	HOSE ASSEMBLY-36" - 1/2" I.D. THANK YOU	8.39	16.78
CHECK OUT OUR WINTER CHEMICALS, CHAINS, ETC WE APPRECIATE YOUR BUSINESS					PARTS	55.57
					LABOR	0.00
					SUB-TOT	55.57
					TAX	3.33
TOTAL						58.90

ALL RETURNS SUBJECT TO PRIOR APPROVAL

Terms - Net 10th Prox. 1.5% per month (18%) per annum on accounts 30 days past due

The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

EXHIBIT I

Boone County Vendor History

For period: July 1, 2003 - June 30, 2004

Vendor Name	Amount
A & A SAFETY INC	\$22,433.04
A & S ELECTRIC SUPPLY	\$727.54
A ALLAN SEALES, MD	\$715.00
A M PLAYER INC	\$6,982.81
A M YEALEY ELEMENTARY SCHOOL	\$100.00
A T & T	\$89.70
A-1 ELECTRIC MOTOR SERVICE	\$3,325.84
ABBY HUNT	\$40.00
ABS BUSINESS PRODUCTS INC	\$273.00
ACCENT ANNEX ENTERPRISES INC	\$0.00
ACCUTEX SIGNS & BANNERS	\$200.60
ACS GOVERNMENT SYSTEMS	\$27,669.48
ADAM HIBNER	\$49.68
ADAM SEBASTIAN	\$95.00
ADAMS STEPNER WOLTERMANN AND DUSING	\$1,052.10
ADIDAS AMERICA	\$2,200.76
ADMINISTRATIVE OFFICE OF THE COURTS	\$43,427.90
ADVANCE LOCK SERVICE INC	\$5,732.16
ADVANCED FACILITIES INC	\$964.00
ADVANCED SURGICAL CARE PSC	\$109.00
AEARO COMPANY	\$201.80
AEROCRETE PRECAST CORP	\$37,050.44
AERUS LLC	\$79.98
AIR CHEK INC	\$24.99
AIRPORT AREA INDUSTRIAL ASSOCIATION	\$100.00
AIRPORT FORD	\$3,167.96
AIT LABORATORIES	\$265.00
ALAN W SULLIVAN, JR	\$2,002.00
ALAN WAYNE KING	\$302.45
ALBERTA BAKER	\$250.00
ALBERTS MENS SHOP	\$10,489.88
ALDERSGATE	\$910.00
ALEX HAYDEN	\$125.00
ALEXANDRIA ELEMENTARY FRC	\$36,149.32
ALICE BOOK	\$250.00
ALICE LAWLESS	\$250.00
ALICE SEBREE	\$65.69
ALL CREATURES VET CLINIC	\$60.00
ALL SIGNS EXPRESS INC	\$1,798.00
ALL WAYS TRUCKING & EXCAVATING LLC	\$8,400.00
ALL-RITE READY MIX INC	\$18,816.25
ALLEEN COMPANY	\$5,649.75
ALLENA STEWART	\$250.00
ALLYSON BERNERT	\$60.00
ALTERNATIVE MEDICAL EDUCATION CONCE	\$0.00
ALVIS LANDSCAPE & GOLF COURSE MATER	\$21,947.60
AMANDA BEGNOCHE	\$125.00

Boone County Vendor History
 For Period: July 1, 2004 - June 30, 2005

Vendor	Amount
2004 EMERGENCY SERVICES CONFERENCE	\$200.00
99 CENTER INC	\$3.20
A & A SAFETY INC	\$76,760.46
A & K ENTERPRISES INC	\$3,685.00
A & S ELECTRIC SUPPLY	\$470.48
A ALLAN SEALES, MD	\$1,305.00
A J SEILER INC	\$9.01
A M PLAYER INC	\$4,302.75
A M YEALEY ELEMENTARY SCHOOL	\$50.00
A N DERINGER INC	\$15.20
A-1 ELECTRIC MOTOR SERVICE	\$3,959.42
AAA HARTFORD CINCINNATI	\$142.87
ABCO OIL COMPANY LLC	\$407.44
ABR CONSTRUCTION INC	\$830.00
ABS MONEY SYSTEMS INC	\$20.85
ACCENTURE LLP	\$700.10
ACCUTEX SIGNS & BANNERS	\$144.00
ADAM SEBASTIAN	\$77.37
ADAMS STEPNER WOLTERMANN AND DUSING	\$37.50
ADECCO NORTH AMERICA LLC	\$182.32
ADIDAS AMERICA	\$1,531.47
ADMINISTAFF COMPANIES II LP	\$25.00
ADMINISTRATIVE OFFICE OF THE COURTS	\$17,354.60
ADVANCE LOCK SERVICE INC	\$3,937.34
ADVANCED FACILITIES INC	\$1,352.00
ADVANCED TURF SOLUTIONS	\$2,820.00
AE DOOR & WINDOW SALES	\$177.70
AEMP	\$345.00
AEROCRETE PRECAST CORP	\$43,421.92
AFFILIATED BUILDING SERVICES INC	\$25.00
AGAPE DESIGN MFG LLC	\$0.00
AGM FINANCIAL SERVICES INC	\$9.95
AIRGAS GREAT LAKES	\$2,078.55
AIRPORT AREA INDUSTRIAL ASSOCIATION	\$100.00
AIRPORT FORD	\$20,564.03
AIR-TECH MECHANICAL SERVICE INC	\$25.00
AIRWAVES LICENSING ASSISTANCE INC	\$400.00
AIT LABORATORIES	\$165.00
AKIN & MILLER LAND DEVELOPERS	\$14,245.00
ALAN W SULLIVAN, JR	\$2,184.00
ALBERTA BAKER	\$125.00
ALBERTS MENS SHOP	\$8,646.30
ALDERSGATE	\$600.00
ALEX HAYDEN	\$125.00
ALEXANDRIA ELEMENTARY FRC	\$1,910.08
ALEXANDRIA PIKE ANIMAL HOSPITAL	\$10.00
ALFRED T WILCE	\$9.21

ALICE LAWLESS	\$125.00
ALL CREATURES ANIMAL HOSPITAL	\$40.00
ALL CREATURES VET CLINIC	\$100.00
ALL SIGNS EXPRESS INC	\$1,799.75
ALL WAYS TRUCKING & EXCAVATING LLC	\$22,255.00
ALLEEN COMPANY	\$5,145.50
ALLEN MCCLUNG & ASSOCIATES INC	\$784.00
ALLENA STEWART	\$125.00
ALLIANCE INVENTORY SERVICE	\$466.21
ALLIANCE PRIMARY CARE	\$98.00
ALLIED MUNICIPAL SUPPLY	\$5,502.80
ALLRIGHT BOONE CO AIRPORT	\$450.29
ALL-RITE READY MIX INC	\$89,478.53
ALPHA PRINTING CO INC	\$756.00
ALS TECHNOLOGIES INC	\$156.00
ALVIS LANDSCAPE & GOLF COURSE MATER	\$15,404.43
ALYCE D VILLINES	\$8.50
AMANDA L HUFF	\$9.05
AMANDA PUGH	\$38.25
AMANDA SCHREIBER	\$125.00
AMBER MEIMANN	\$46.75
AMERICAN ASSOC OF BOTANICAL GARDENS	\$1,068.00
AMERICAN CORRECTIONAL ASSOC	\$35.00
AMERICAN EAGLE AIRLINES INC	\$36.85
AMERICAN GENERAL HOME EQUITY	\$76.41
AMERICAN JAIL ASSOC	\$518.00
AMERICAN LEGAL PUBLISHING CORP	\$1,402.35
AMERICAN PROMOTIONAL EVENTS INC	\$37.00
AMERICAN PUBLIC WORKS ASSOCIATION	\$2,545.10
AMERICAN SIP CORP	\$573.85
AMERICAN SOCIETY-CIVIL ENGINEERS	\$217.00
AMERICAN THERMOFORM CORP	\$111.22
AMERICANS FOR EFFECTIVE LAW ENFORCE	\$335.00
AMMON WHOLESALE NURSERY INC.	\$10,880.79
AMMON-JONES LANDSCAPE LLC	\$938.51
AMOS R GADD	\$125.00
AMTECH LIGHTING SERVICES CO	\$138.21
AMY PRIBBLE	\$192.54
AMY SCHROEDER	\$159.38
ANDREA ATWOOD	\$96.75
ANDREA G PROESCHEL	\$10.93
ANDREW SKERCHOCK	\$125.00
ANDREW T STEIN	\$457.65
ANDREW W SURVANT	\$56.00
ANGEL ANIMAL HOSPITAL	\$230.00
ANGELA D HANKERSON	\$8.61
ANGELA PERKINS	\$25.00
ANIMAL MANAGEMENT INC	\$164.32
ANIXTER INC	\$12,263.20
ANN REUTHE	\$125.00
ANNA G STAMPER	\$13.52

GENERAL BUILDING DATA

1 RECORD ID (Map Number of Account Number)

2 DATE: Mo. Yr.

3 PROPERTY OWNER

4 STREET ADDRESS OF SUBJECT PROPERTY

5 CITY

6 STATE: 7 ZIP CODE: 8 CLIM: 20

9 REPORT FORM: 1 Summary Only, 2 Itemized (Detailed)

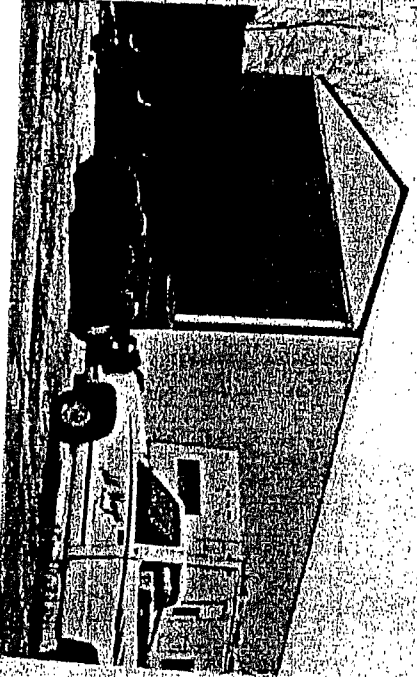
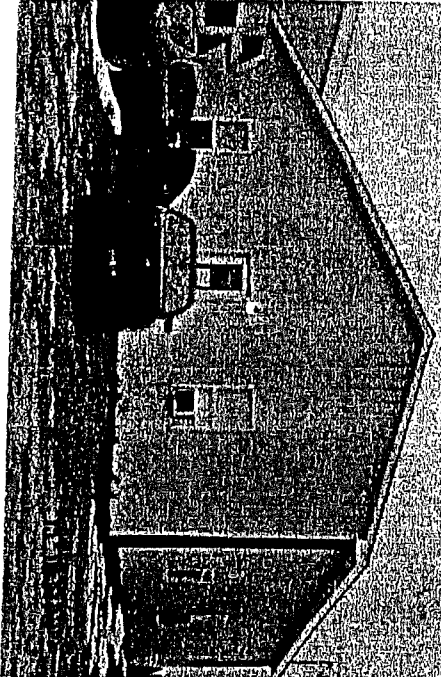
10 LAND VALUE \$

11 COMMENTS

12 COMMENTS

13 COMMENTS

14 APPRAISER



BUILDING SECTION DATA

Complete required items 15 through 19 and optional items 50 for each building section.

15 SECTION NUMBER

16 OCCUPANCY (Enter three-digit code from next column)

OCCUPANCY DESCRIPTION (Override standard description)

17 CONSTRUCTION CLASSIFICATION

1 Wood Frame

2 Masonry, Exterior Walls, Wood Floors and Roof

3 Re-engineered Steel Frame

4 Steel Frame

5 Fireproofed Steel Frame

6 Reinforced Concrete Frame

068.00-00-023.00.1.JPG
ASSESSMENT DATA

Year	Land Value	Improvement Value	Total Assessed Value
06	—	39,800	39,800
07	—	94,680	94,680

BUILDING SKETCH AND AREA CALCULATION

Section	Width X Length	Area
Shop 1st Floor 30 X 50		1500 SQ FT
Office 2nd Floor 46 X 36		1656 SQ FT
Major Alterations or Additions		Date

18 TOTAL NUMBER OF STORIES

19 GROSS FLOOR AREA: 3,156 Square Feet

CHARACTERISTICS OF THE RESIDENCE

BUILDING SKETCH AND AREA CALCULATION

24 RESIDENCE

- Vacant Parcel
- Single Family
- Condominium
- Townhouse
- Duplex
- Seasonal Cottage
-

25 STRUCTURE

- Vacant
- 1 Story
- 1 1/2 Story
- 2 Story
- 2 1/2 Story
- 3+ Story
- Split Level
- Split Foyer
- A-Frame
- Geo Dome
- Earth Shelter
-

26 EXTERIOR

- Vacant
- Concrete Block
- Frame
- Frame/Brick
- Brick Veneer
- Fieldstone
- Cut Stone
- Solid Masonry
- Log
- Stucco
- Aluminum/Vinyl
- Composition
- Masonite
- Combination
-

27 FOUNDATION

- Vacant
- Under Const.
- Slab
- Concrete Block
- Poured Concrete
- Post & Pier
- Brick/Stone
- Rock

28 BASEMENT TYPE

- Vacant
- None
- Sunken
- Walkout
-

29 ROOF COVER

- Vacant
- Comp. Shingles
- Wood Shingles
- Slate
- Tile
- Metal
- Tar/Gravel
-

30 ROOF TYPE

- Vacant
- Gable
- Hip
- Gambrel
- Mansard
- Shed
- Flat
-

31 GARAGE TYPE

- Vacant
- None
- Carport
- Detached
- Attached
- Basement
-

32 GARAGE EXTERIOR

- Vacant
- None
- Concrete Block
- Wood
- Aluminum/Vinyl
- Brick/Stone
-

33 GARAGE SIZE

- Vacant
- None
- 1 Car
- 2 Car
- 2+ Car
-

34 PATIO/DECK

- Vacant
- None
- Open
- Covered
- Screened
- Glazed
-

35 YEAR BUILT

1800

36 BATHROOMS

- Vacant
- None
- 1 Bath
- 1 1/2 Baths
- 2 Baths
- 2 1/2 Baths
- 3 Baths
- 3 1/2 Baths
- 4 Baths
- 5 Baths
- 5+ Baths
-

37 BEDROOMS

- Vacant
- One
- Two
- Three
- Four
- Five
- Six
- Six+
-

38 FAMIL.VIDEN/REC

- Vacant
- None
- One
- Two
- Two+
-

39 FIREPLACES

- Vacant
- None
- One
- Two
- Three
- Three+
-

40 TENNIS COURT

- Vacant
- None
- Single
- Double
- Lighted
-

41 EXCEPTIONAL IMP.

- Vacant
- None
- Yes (comment)

42 HEAT TYPE

- Vacant
- None
- Forced Air
- Floor Furnace
- Radiant/Wall
- Hot Wtr./Steam
- Heat Pump
- Stove/Space Htr.
-

43 HEAT SOURCE

- Vacant
- None
- Natural Gas
- Electric
- Bottled Gas
- Coal
- Oil
- Wood
-

44 SUPP. HEAT

- Vacant
- None
- Wood
- Solar
-

45 AIR CONDITION

- Vacant
- None
- Central
- Wall Units
-

46 BASEMENT FINISH

- Vacant
- None
- Unfinished
- 1/2 Finished
- 1/4 Finished
- 3/4 Finished
- All Finished
-

47 POOL

- Vacant
- None
- In-Ground
- Above-Ground
-

48 POOL SIZE

Sq. Ft. _____ by _____ Diameter _____

ENUMERATOR'S COMMENTS

Section	Width X Length	Area	Total	Date
House w/P	32 x 38	1216		
Garage down	32 x 38	1216		
Basement	04 x 02	528		
Patio	24 x 22	528		
Pool	24 x 6	156		
BARN	46 x 36	1656		
Major Alterations or Additions				
<p>49 LIVING AREA 2960</p> <p>50 BASEMENT -</p> <p>51 GARAGE 528</p> <p>52 PORCHES 156</p> <p>53 PATIOS/DECKS</p>				



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

April 19, 2013

Mr. Richard A. Brueggemann
Hemmer DeFrank
250 Grandview Drive, Suite 500
Ft. Mitchell, KY 41017-5646

FAX: 578-3869

RE: Towing/Truck Repair Business at 15487 Lebanon-Crittendon Road, Boone County, Kentucky; Rural Suburban Estates (RSE) zone

Dear Mr. Brueggemann:

The purpose of this letter is to inform you of my determination as Zoning Administrator for the Boone County Fiscal Court regarding the alleged pre-existing, nonconforming status of the Ray Branscum property at 15487 Lebanon-Crittendon Road. It outlines the decision of the Zoning Administrator for the Boone County Fiscal Court and not any type of action by the Boone County Planning Commission.

As you are aware, the Planning Commission's staff contacted your client about a zoning violation for a towing business on the property due to a citizen complaint. In response to a letter sent by your client, I informed him in my 2/7/13 letter that I had no information at that time which supported a claim that a legal pre-existing, nonconforming use had been established, but that evidence could still be gathered and presented for a Zoning Administrator determination.

You claimed in your letter dated April 5, 2013 that legal pre-existing, nonconforming status had been established on the property for a "heavy trucking, truck repair and excavation business" pursuant to KRS 100.253(3) which states:

Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Mr. Richard A. Brueggemann
April 19, 2013
Page 2

This same language is also outlined in Section 272 of the Boone County Zoning Regulations.

Your letter indicates that Mr. Branscum wishes to operate a towing and truck repair business on the property. A fenced area and additional gravel surfacing was added by your client for the purpose of storing towed vehicles. Thus, your client's use of the property is somewhat different than the prior owner's operation.

Several documents were provided to support the claim of a legal pre-existing, nonconforming use under the "ten year" rule. These include:

- A. A memorandum dated 4/5/13 which outlines the history of business activities on the site.
- B. The Articles of Organization of All Ways Trucking and Excavating, LLC, which formerly occupied the site.
- C. Boone County police reports.
- D. Delivery receipts for parts delivered to the site by Truck & Trailer Supply.
- E. Sworn affidavits from five long time neighbors who have personal knowledge of the site's history.
- F. Vendor records indicating that Boone County made payments to All Ways Trucking & Excavating, LLC.
- G. Commercial Property Data Card from the Boone County PVA office which indicates a "shop for trucking."

Some of the individual documents by themselves are not very compelling. For example, the police report which indicated a theft on the property could have been for a residence. However, when considering the documentation as a whole, it is my conclusion that a reasonable case has been made that a legal pre-existing, nonconforming use has been established on the property for a heavy trucking, truck repair and excavation business. From what I can discern, this business was operating on the site as early as 1998.

I have not identified any fact which leads me to believe that there was an attempt to discontinue or abandon the pre-existing, nonconforming use. "Abandonment" is defined in Article 40 of the Boone County Zoning Regulations as:

Mr. Richard A. Brueggemann
April 19, 2013
Page 3

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods or vacation or seasonal closure, and also excluding lapses in between different owners or tenants who carry out the same use or activity.

It is my understanding that the prior owner went out of business due to financial problems versus an overt attempt to end the business. As noted in the definition, a change in ownership of the real estate or a short term lapse between owners does not automatically abandon a pre-existing, nonconforming use.

As stated above, I have determined that a legal pre-existing, nonconforming use has been established on the property for a heavy trucking, truck repair and excavation business. Your client now has the opportunity to submit an application for a Change in Nonconforming Use for review by the Board of Adjustment. Although I am authorized to determine whether or not a legal pre-existing, nonconforming use has been established, I am not authorized to grant changes to them. In this instance, both towing services and the fenced/graveled area for the storage of vehicles have been added by your client and were not part of the previous owner's operation. Additionally, your client's business does not include excavation like the previous business.

Because this letter outlines a decision of the Zoning Administrator, it may be appealed by any aggrieved party to the Boone County Board of Adjustment (BOA) within thirty (30) days of today's date. In order for an appeal to be granted, it must be demonstrated that the decision is in error.

Sincerely,



Kevin T. Wall, AICP
Zoning Administrator
Boone County Fiscal Court

cc: Kevin Costello, AICP, Executive Director
Jeff Earlywine, Boone County Administrator
Mitch Light, Asst. Zoning Administrator/Enforcement Officer
Robert Neace, Boone County Attorney
Richard Robinson, Graydon Head & Ritchey LLP; FAX: 525-0214
Dale Wilson, BCPC Legal Counsel



BOONE COUNTY PLANNING COMMISSION

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Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

July 30, 2013

Mr. Ray Branscum
15487 Lebanon Crittenden Road
Verona, KY 41092

RE: 15487 Lebanon Crittenden Road, Boone County, Kentucky, PIDN 068.00-00-023.00

Dear Mr. Branscum:

The Zoning Administrator, Mr. Kevin Wall, made an official determination regarding your use of the above referenced property in a letter dated April 19, 2013. Since that time, we have received no official word from you as to whether or not you will be filing for a Change in Non-Conforming Use through the Boone County Board of Adjustment or comply with the official documentation.

Your attorney, Mr. Rick Bruggeman and I had a conversation on June 10, 2013, in Boone District Court, on an unrelated issue, that you intend to file for the Change in Non-Conforming Use. The next submittal deadline is Tuesday, August 20, 2013 in order to make the Wednesday, September 11, 2013, Boone County Board of Adjustment agenda. As a point of reference, three months have passed with no action to resolve this matter.

You can either apply to Boone County Board of Adjustment for the request or apply for a Home Occupation Permit if the use is scaled back enough to fit the guidelines of a home office.

Please contact this office within the next 2 weeks to let us know what course of action you will be taking.

Sincerely,

Mitchell A. Light
Asst. Zoning Administrator/ZEO

MAL/vlm

Todd Morgan

From: Jenny Roth <jmroth@twc.com>
Sent: Tuesday, September 03, 2013 10:30 PM
To: Todd Morgan
Subject: Proposed Zoning change hearing 9/11
Attachments: Pond taken 2010.jpg; Another view from Roth Property 2013.JPG; Driveway leading to business in 2010.jpg; Front of house taken in 2010.jpg; Front of rental taken in 2010.jpg; Front view of Morgan Thomas' business in 2010.jpg; Rear view of Morgan Thomas' business in 2010.jpg; Trailers sitting out 2013.JPG; View from back of Roth Property 2013.JPG; View from my covered deck 2013.JPG; Wrecked semi 2013.JPG

September 3, 2013

Boone County Planning Commission
2950 Washington St
PO Box 958
Burlington, KY 41005

RE: Zoning Hearing for
15487 Lebanon Crittenden Rd.
Verona, KY

Dear Members of the Boone County Board of Adjustment and Zoning Appeals,

We are writing today in opposition of the proposed zoning changes requested by Richard A. Brueggemann, Esq. on behalf of Mr. Ray Branscum. The proposed zoning change will have a negative impact on the landscape of rural Boone County. There are also concerns regarding the environmental impact of having an impound lot where cars and trucks will be leaking fluid into the water supply. The tax revenue for Boone County will be decreased because of the adjacent property values that will depreciate due to the eye sore this has created.

The driveway into Mr. Branscum's business is located right out of a curve. This causes a significant safety hazard for drivers driving along Lebanon Crittenden Road when wreckers slow down and almost stop prior to turning into the business. KY 491 is not wide enough to accommodate the traffic of large trucks. The traffic has increased significantly with wreckers bringing in broken down trucks.

There are wrecked semi tractors and trailers sitting on the lot. Dump trucks hauling fill are dumping well in to the evenings to extend the parking area. The noise from the engines being revved up can be heard inside our home. None of these situations occurred when Mr. Thomas ran his business from this address.

We have attached pictures of the property located at 15487 Lebanon Crittenden Road from before Mr. Branscum owned the property and after Mr. Branscum owned the property. According to the Affidavits signed by three other neighbors, their opinions are that "the property is less intense and more esthetically pleasing" than that of the previous owner. If you look at the enclosed pictures, we believe you will find that not to be the case.

The building itself has more than doubled in size. After searching the Boone County Building Permit Records online for all of 2012 and 2013, we have been unable to find a permit to extend the building or for any electrical work that was done. The enclosed pictures also show the building prior to Mr. Branscum owned the property and what the build looks like today. These pictures were taken from our back yard.

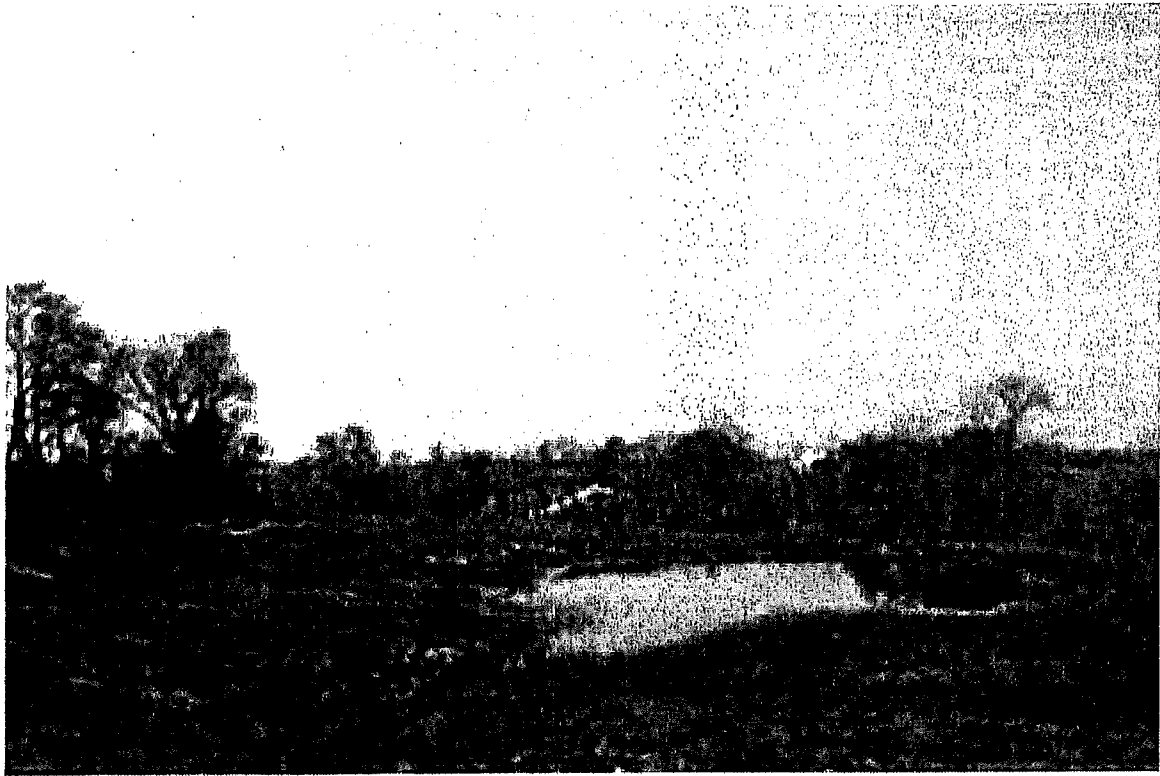
It is also interesting to note that Walt Ryan, Lee Ann Ryan and Gene Dixon, who all signed the Affidavits, cannot see the eye sore from their homes. The residents of St. James Place have a direct view from several different homes.

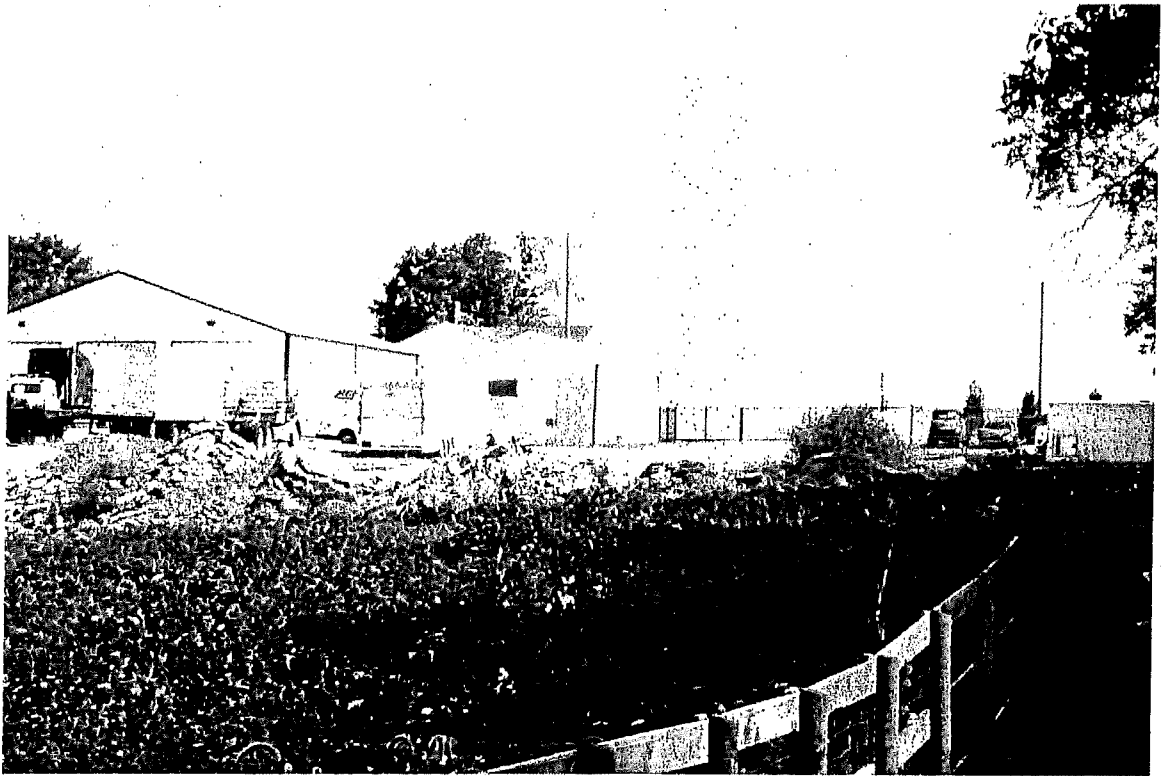
We strongly urge the board to deny this Zoning change and to allow southern rural Boone County to remain the picturesque landscape we love so much.

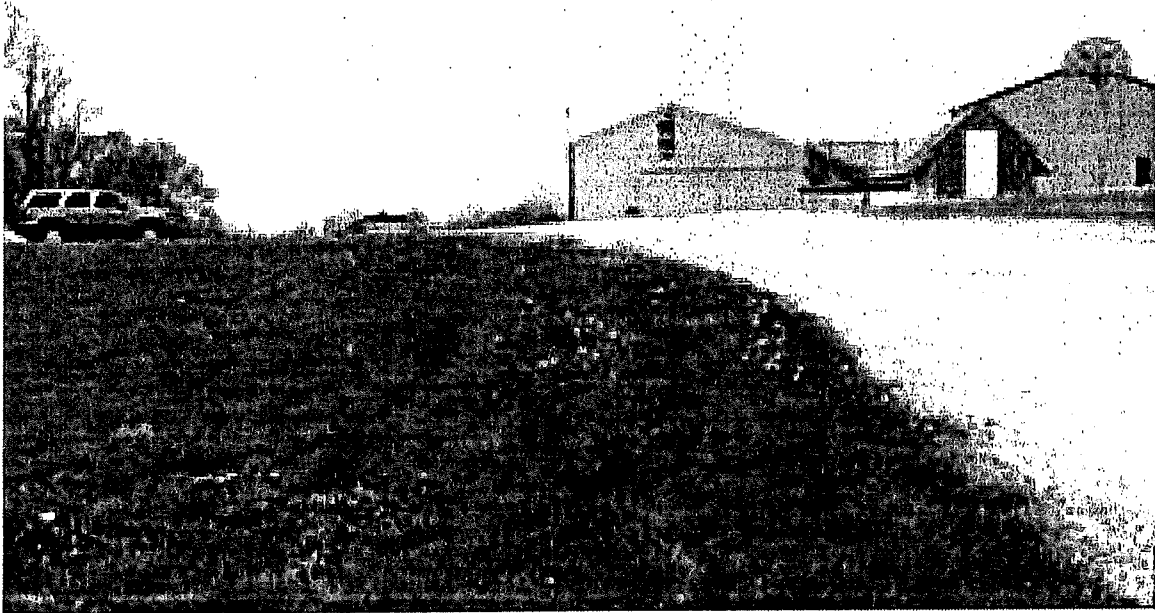
Sincerely,

William E. Roth
Jennifer M. Roth
1862 St. James Place
Verona, KY 41092

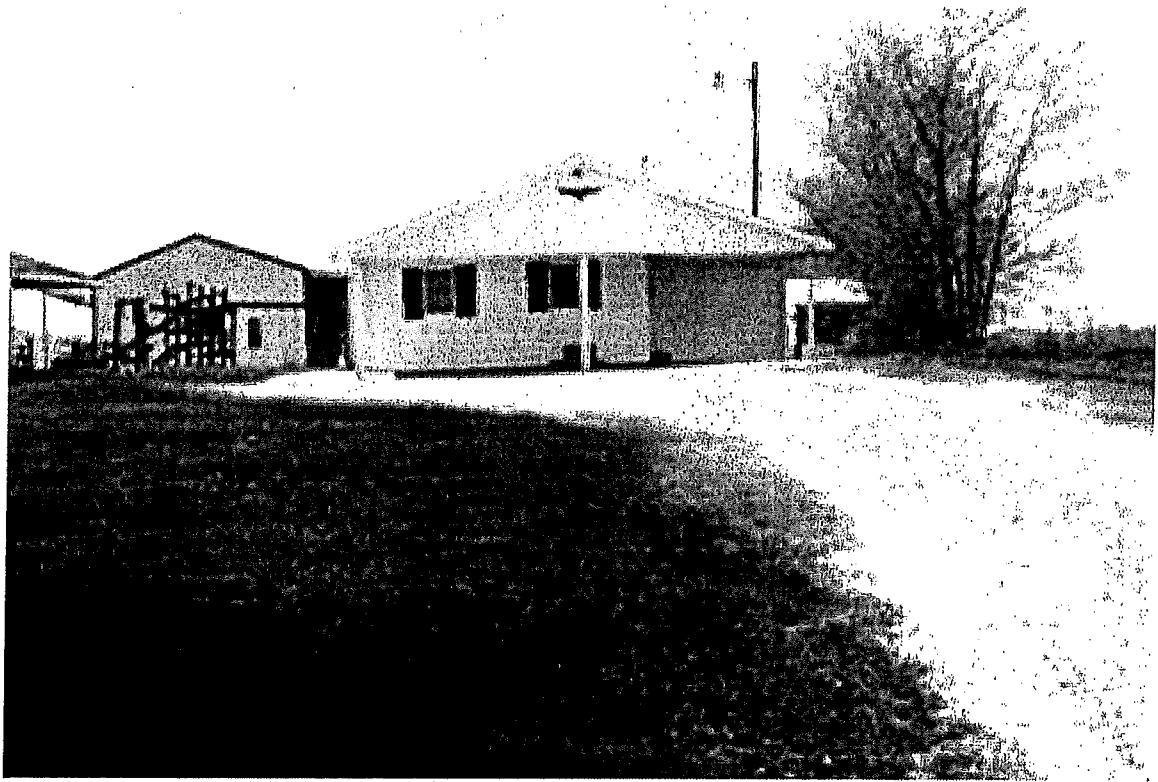
Attachments

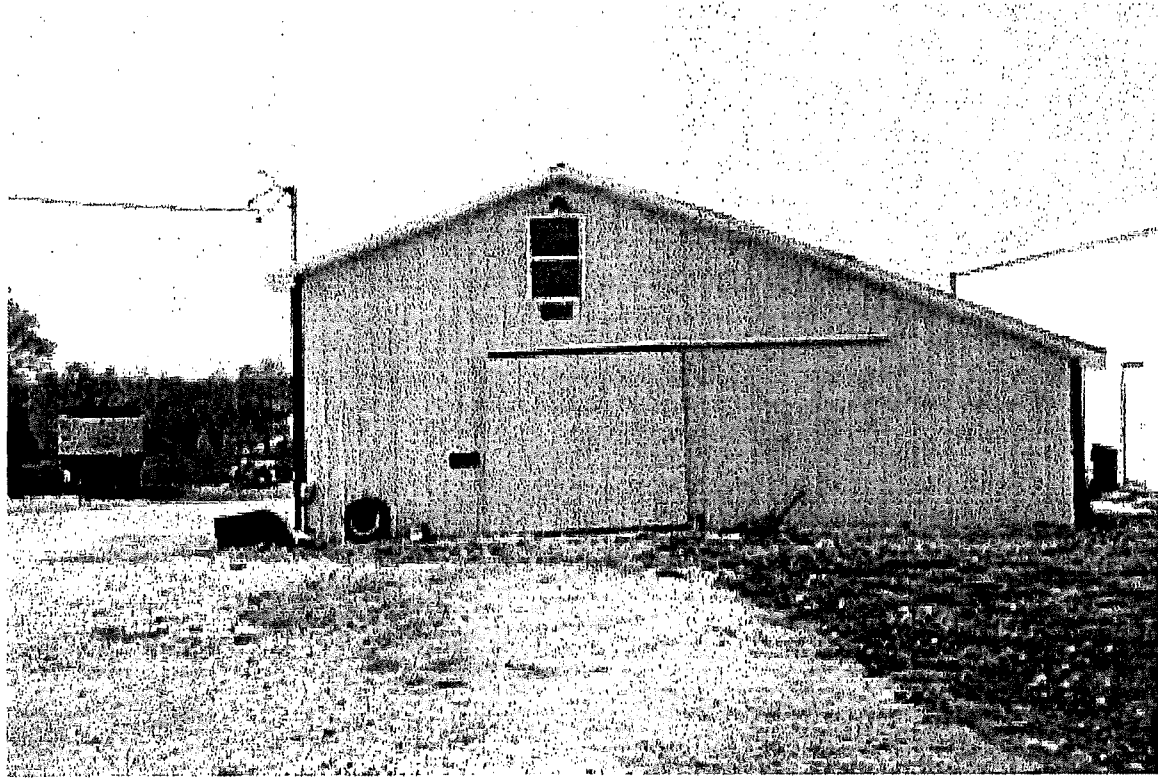




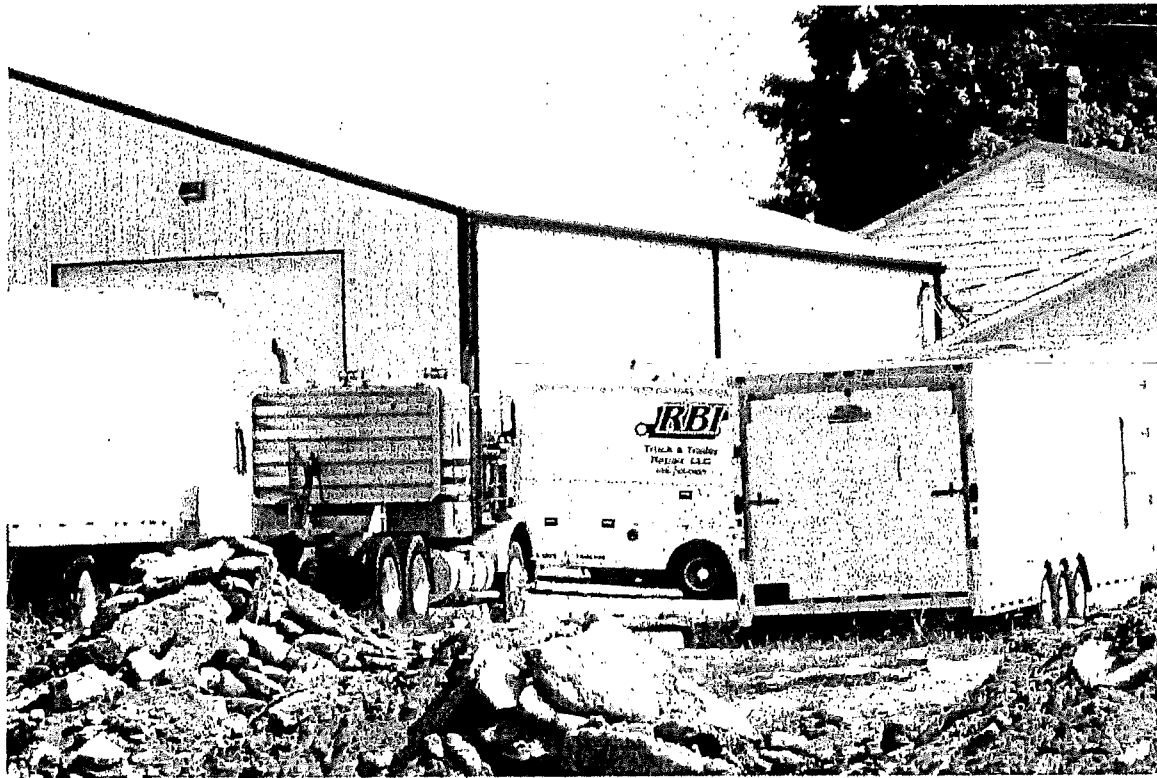


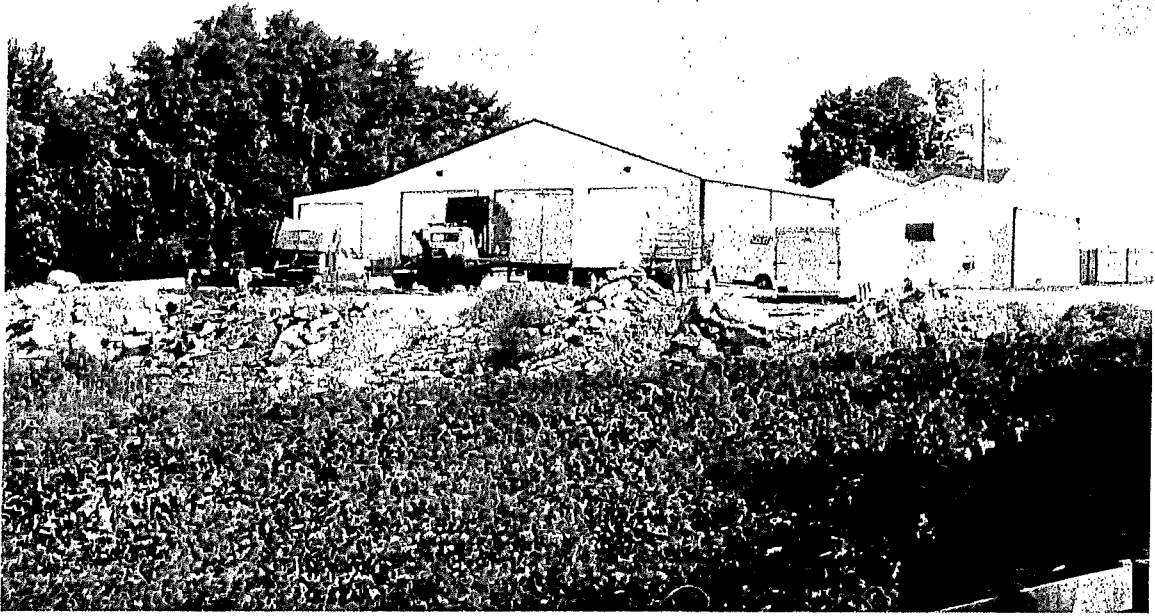
















Todd Morgan

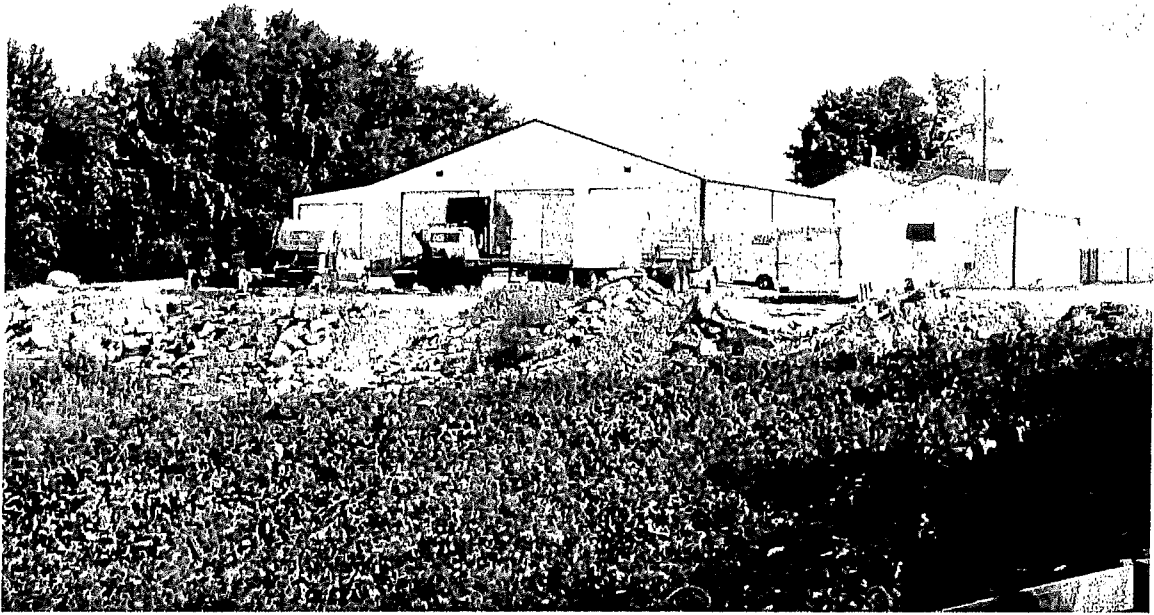
From: Jenny Roth <jmroth@twc.com>
Sent: Tuesday, September 03, 2013 10:35 PM
To: Todd Morgan
Subject: Proposed zoning change hearing 9/11 one more picture
Attachments: Building more than doubled in size 2013.JPG

Mr. Thomas,

This picture would not fit on the other email. It is important that you view this one too as this one shows how the building has more than doubled in size.

Thank you for your consideration.

Jennifer Roth



Boone County Planning and Zoning Commission

September 3, 2013

My name is Mark Trenkamp and I live at 1867 St. James place in Verona Ky. I am writing you to oppose the current rezoning request at 15487 Lebanon-Crittenden rd. The previous business that was there was less objectionable then the current proposed business. I feel that the zone change would greatly depreciate the property values of all homes in the area. This business will bring in unsightly vehicles with potential environmental hazards due to leaking fluids into the watershed, attracting rodents that will scavenge on the contents of impounded trailers, and bring in possible scrap thieves.

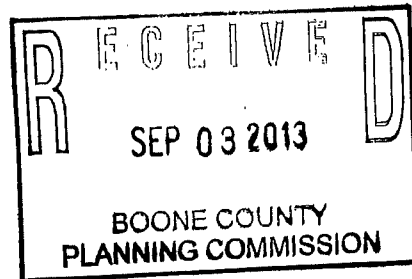
Also, changing the zoning will create dangerous driving on Lebanon Crittenden road because of large, heavy trucks being towed in. This increased heavy load traffic will damage the road causing increased funds needed for repairs. If the change goes through it sets a precedent that any commercial business can scar our residential community. Finally, with our decreased home values, our taxes will be lower and the Walton Verona schools will suffer with lower tax revenue.

Sincerely,

Mark Trenkamp

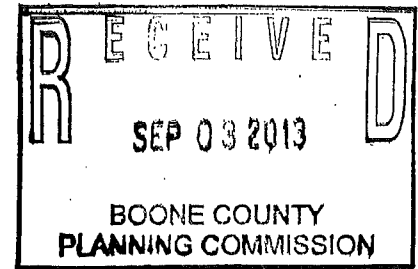
1867 St. James Place

Verona Ky, 41092



9/2/13

Boone County Planning Commission
2950 Washington St.
PO Box 958
Burlington, KY 41005



Dear Boone County Planning Commission,
We are writing in regards to 15487 Lebanon-Crittenden Rd. Verona, Ky 41092 (Boone County Planning Commission vs. Ray Branscum). We are neighbors of Mr. Branscum and reside at 1879 St. James Place. We are currently in the process of building our first home and are moving in September 21st. We became aware of this issue regarding this potential zoning change and have some major concerns.

Our first concern has to do with a creek that runs between his property and our neighborhood which everyone that lives on St. James Place has public and legal access to.

With his plan of impounding cars and trucks that he has proposed our concern is that it could potentially contaminate the creek with various chemicals. This could affect the environment, wildlife, the health of anyone residing nearby, and most importantly the safety of our children.

Our second concern is the overall aesthetic aspect. We are building our first home as I mentioned before. We debated on several lots within the Northern Kentucky area (Kenton, Campbell, and Boone County). We choose this lot because

of the "country feel" and cleanliness of the area. It is a true definition of Rural Suburban Estates. Prior to purchasing this lot, people spend time doing research on multiple things and this is something we felt was explained clearly. We actually debated on the lot that was literally on the backside of Mr. Branscum's property and decided against it solely because of the look of the property as it stands now, let alone a junk yard. We have had several friends mention that they would possibly buy land nearby after seeing our lot, however without a doubt we know that no one would be interested if that property became a junkyard next door. This issue should be a major concern for Boone County because if we feel this way, I'm sure majority of people would feel this way, simply because no one wants to live next to a junk yard. This in turn will affect Boone County because it will decrease new home building in this area. Which in turn decreases Boone County Property Tax Revenue. (There are 9 lots remaining just within our neighborhood next door). Without a doubt if this scenario was presented to us prior to building and a "junk yard" was next door, we wouldn't have purchased this land in Boone County.

In conclusion we urge you to seriously consider our thoughts on this issue and what is best for Boone County and their residents.

Sincerely,

Handwritten signatures of Kimberly and Jeremy Waits. The signature on the left is 'Kimberly Waits' and the signature on the right is 'Jeremy Waits'.

Kimberly and Jeremy Waits
1879 St. James Pl. Verona, Ky 41042

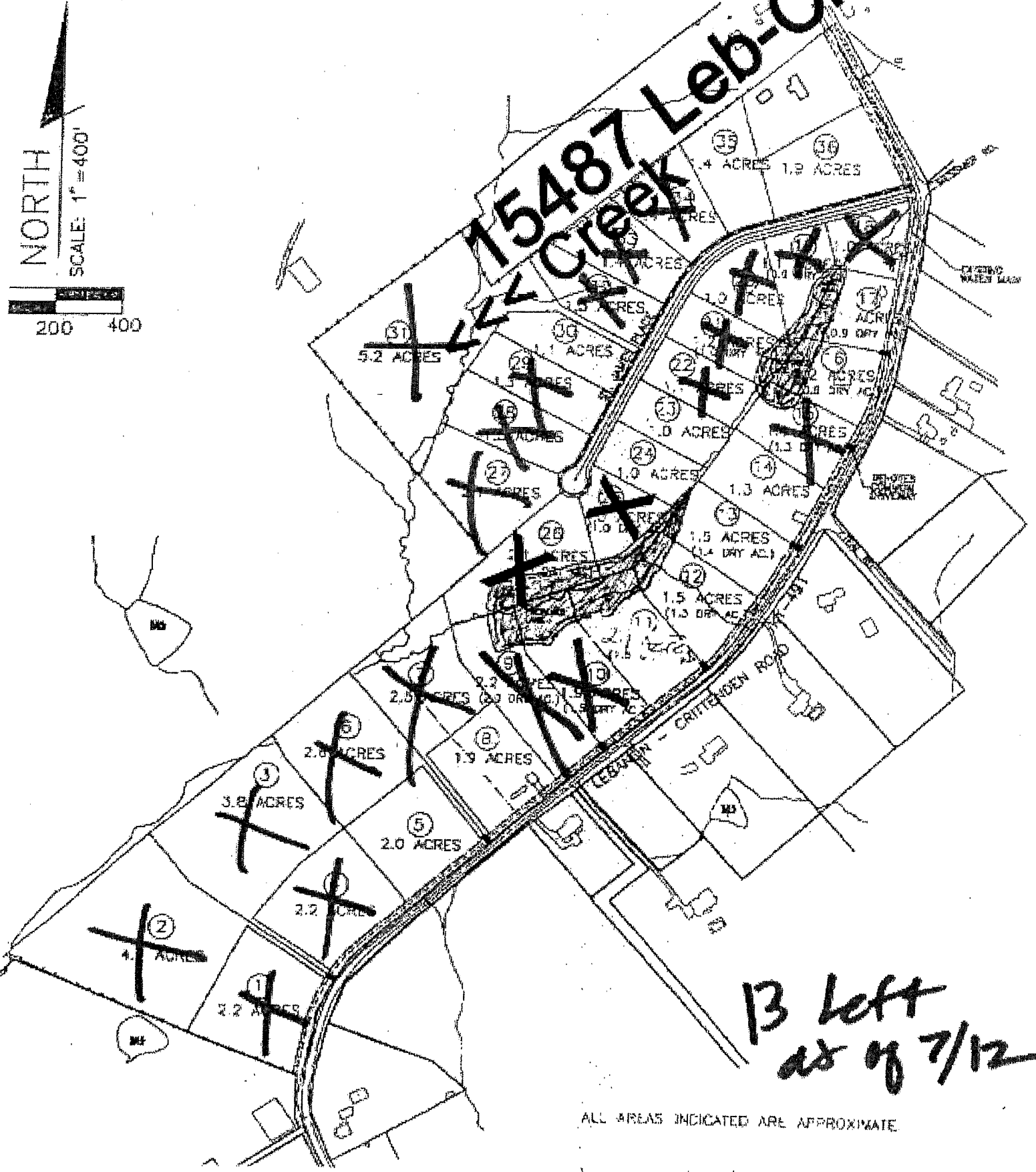
NORTH

SCALE: 1" = 400'

200 400

15487 Leb-Crit Rd

15487 Creek



13 left as of 7/12

ALL AREAS INDICATED ARE APPROXIMATE

September 2, 2013

To: Boone County Planning Commission

Re: Zoning change request for property at 15487 Lebanon Crittenden Road

We would like to voice our strong opposition to the requested zoning change. The area in question is a farming and concentrated residential area. The addition of a commercial towing and truck repair service, and especially the addition of an impound lot, does not belong in this community. This is not the truck stop areas next to I-75, this is a residential community.

This facility will harm this area in several dangerous ways. The road is not large enough for towed tractor trailers. Lebanon Crittenden Road is a narrow two lane highway with many tight turns. With traffic travelling at 55mph in this area, coming around the turns at either side of this property and unexpectedly encountering a towed semi blocking the road will cause accidents. The road itself probably can't handle the increased weight of truck traffic either being towed or driven to be repaired. When the I-75 construction was underway, the loaded dump truck traffic destroyed many sections of the road which had to be repaired.

I have been told that the buildings on the property were never inspected by the county. I don't know if this is true or not, but I doubt that they have the necessary facilities to properly store hazardous materials, such as the oil and other mechanical liquids that will be removed from the heavy duty trucks. This poses a potential severe environmental issue for the area.

No one who has a home in a residential neighborhood should be expected to share their neighborhood with a seven acre junkyard. That is exactly what an "impound lot where cars "may remain on site for 30 days or more" will become. "30 days or more" means forever. This will be a terrible eyesore for the area. And no matter what fencing is used, the children in the area will find a way in and will get hurt or worse. Seven acres of abandoned cars and trucks will be a haven for rodents.

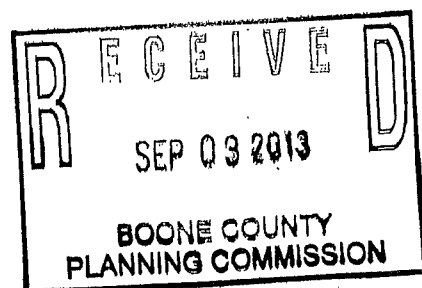
I am very puzzled that the board is considering grandfathering the requested change because there has been a small repair operation at this location for several years. Grandfathering is used to protect an individual who is not doing anything wrong, and then the law changes. It is not to protect someone who is doing something illegal, not getting caught, and then saying since you didn't get caught we will now make it legal! If you "grandfather this zoning change", the message is do anything you want with your property. Don't get caught for a few years and then we'll tell you it is ok to continue. Plus, the changes requested go far beyond anything that was ever done at this location. Whatever the previous operation was at this property was so small no one knew it was there. Otherwise, a complaint would have been raised by neighbors.

This is a beautiful area of Boone County where farms and residential communities exist together. This is not an area for commercial enterprise, especially one with the potential to create much unwanted traffic, noise, pollution and possible harm to children and motorists.

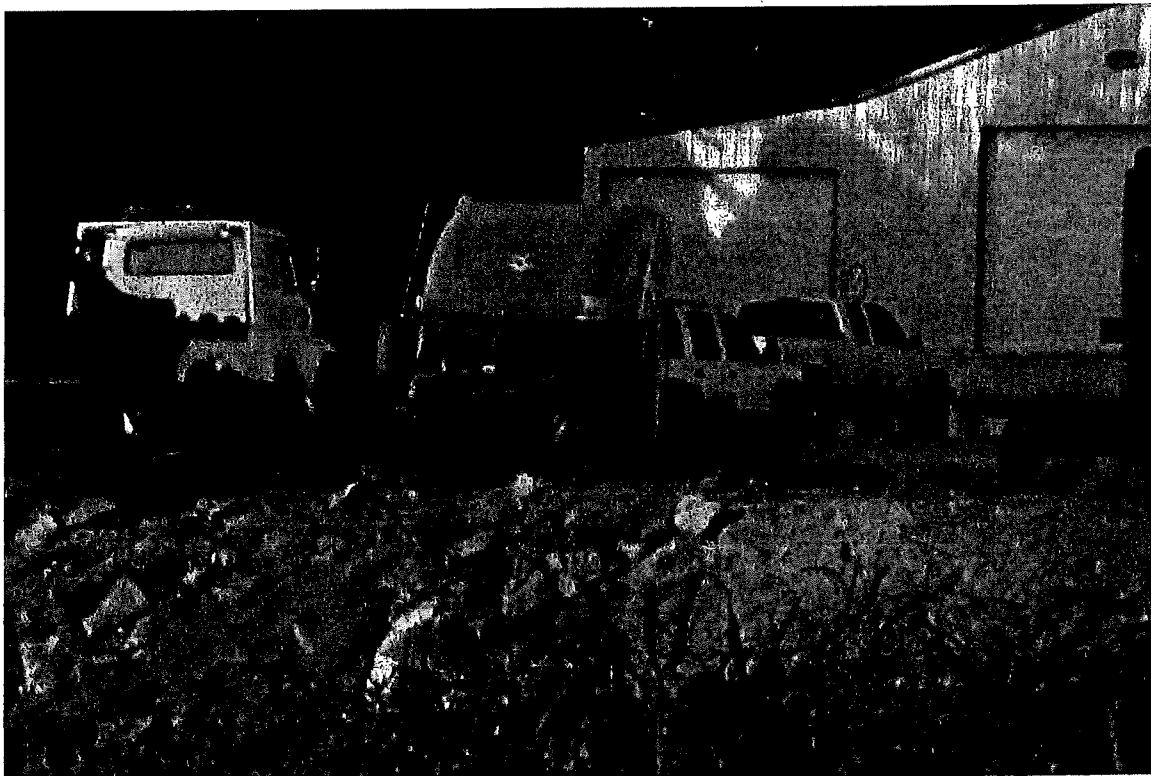
Sincerely,


M. Randall and Deborah Thaman

15835 Teal Rd
Verona, Ky 41092



Regarding Request of Richard A. Brueggemann for
Ray Branscum 15487 ^{Lebanon} Crittenden Rd
This is what is ALREADY happening! ^{Verona Ky}



ATTN: Boone Co. Planning Commission

September 3, 2013

Todd Morgan and Boone County Commission,

I live at 15763 Lebanon Crittenden Road in Verona. I strongly object to the zoning change for the property located at 15487 Lebanon Crittenden Road.

Previous owner Morgan Thomas never had a auto/truck repair or towing and storage business at that location. He had a excavating company only.

I bought my home because it was a quiet, peaceful and safe area to retire and enjoy our grandchildren. I would never considered moving close to a repair, towing and storage business.

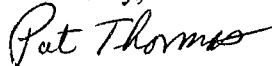
Mr Branscum is responsible to check into the zoning of this property before he purchased it. I cannot imagine that he was unaware what the property was zoned prior to purchasing and establishing a business there. Why should we who already live here have to change to benefit him.

Mr Branscum already has several cars stored inside a fence easily seen from the road. The back of his property which is also in clear view for people to see is terrible. His property is a eyesore.

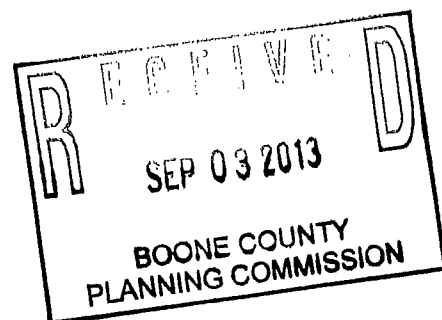
I fear for the safety of children in the area. The traffic will be increased. He tows semis' that are wrecked and have hazard materials. I cannot imagine 7 acres of wrecked semis' and other vehicles stored there. That is a safety concern for me. These hazard materials will contaminate the air, soil and water. Towing is a 24/7 business. Morgan Thomas never had that.

A storage/towing, auto/truck repair business will be a safety issue and eyesore to our beautiful neighborhood. I feel you would be doing a great injustice to our neighborhood if you allow this zone change.

Sincerely,



Pat Thomas



September 3, 2013

Boone County Planning Commission
PO Box 958
Burlington, KY 41005

Dear Planning Commission:

I have some concerns regarding the proposed zoning change for 15487 Lebanon-Crittenden Road in Verona. I am a resident on Teal Road, near the property, and I believe if the zoning change is passed it would detrimentally affect the citizens of this area.

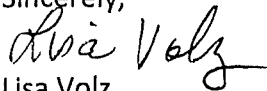
Firstly, Lebanon-Crittenden is a very narrow road. I often see young people walking or riding bikes along the road. Several neighbors along with my husband and I have enjoyed jogging or walking on Lebanon-Crittenden. I am greatly concerned about the increase in traffic and heavy equipment use along this road should the zoning change pass. The danger to pedestrians and bikers will be greatly magnified.

As I mentioned, Lebanon-Crittenden is a narrow road, but also curvy. I don't believe it was designed to handle commercial traffic. I believe the increase in commercial traffic will result in more accidents and will result in quicker deterioration of the road. The safety of residents will be compromised should the zoning change pass.

We chose to live in this area of Verona because of its' charming, rural qualities. We love the landscape and the beauty of nature that surrounds us here. The drive up Teal and down Lebanon-Crittenden as I take my children to school is picturesque. To allow a parking lot where cars could be impounded "30 days or more" on up to 7.13 acres of what is now rolling hills is a heartbreaking thought.

I have four children in the Walton-Verona school district. All are involved in extracurricular activities which means I pass 15487 Lebanon-Crittenden *multiple times* each school day. I strongly petition the Planning Commission, for the reasons stated above, to oppose the proposed zoning changes to this area.

Sincerely,



Lisa Volz

859-496-1289



Todd Morgan

From: dewayne.dennis@twc.com
Sent: Tuesday, September 03, 2013 8:30 PM
To: Todd Morgan
Subject: Brueggemann/Branscum request at 15487 Lebanon Crittenden Road

Mr. Morgan,

I'm writing to express my opposition to the request submitted by Mr. Branscum for a zoning change for the property located at 15487 Lebanon Crittenden Road.

From what I understand, the property owner wants to operate a towing and truck repair business there along with an impound lot to be used to store wrecked trucks and other vehicles while insurance claims are being settled. These vehicles may be impounded for 30 days or more.

Although I am not adjoining property owner, I strongly oppose any action that will allow such a zoning change.

My position is based on several reasons but most importantly on environmental concerns.

Mr. Branscum's house and outbuildings sit on the top of a hill that slopes downward in the rear where the proposed impound lot is to be located. At the bottom of that hill is a watershed stream that flows across and between several properties owned by others in the area, including me. Although the stream does not flow year round it carries a lot of runoff during storms. With the heavy rains we had in early July this year the little stream became quite swollen. If the impound lot becomes a reality it will likely be populated with wrecked vehicles including trucks, cars and semi trucks and trailers. Badly wrecked vehicles will leak all sorts of fluids including brake fluid, anti freeze, motor oil, battery acid, gasoline and whatever liquid cargo may have been in a tank trailer involved in a wreck. The risk of contamination of the aforementioned stream and surrounding area is real.

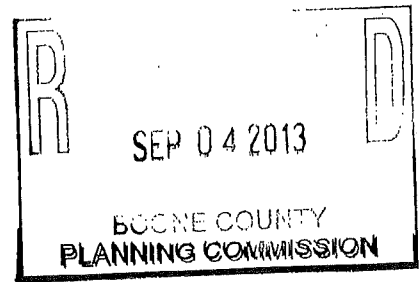
The stream borders pastures that contain livestock owned by some neighbors. The stream is lined on several properties with trees that provide not only shade and peaceful views enjoyed by homeowners but also habitat for birds and small animals. Furthermore, I have no idea if Mr. Branscum has a contingency plan in place to execute in the event of a toxic spill emergency.

Another environmental concern of mine is noise pollution. The roar of semi engines, hissing air brakes and the clamor of repair shop air tools will penetrate the solitude of country living now enjoyed by so many of my neighbors and me. While there is a train track nearby that becomes quite noisy at times, it was there before our neighborhood was built and is generally accepted.

I sincerely hope that you and the other members of the Boone County Planning Commission will take these concerns into consideration prior to taking any action that will grant the request of Mr. Branscum and Mr. Brueggemann for a variance.

Thanks

DeWayne Dennis
1886 St. James Place
Verona, Ky 41092



September 3, 2013

Boone County Planning Commission:

My name is Chris Coleman. I live at 1858 St. James Place in Verona with my wife, Jenny and two children. It has come to our attention that Ray Branscum, the owner of the property at 15487 Lebanon Crittenden Road in Verona is trying to get the current zoning on his property changed to allow for a truck and automotive repair business with towing and impounding allowed.

I share a property line with Mr. Branscum. The back of my property is adjacent to the side of his lot. We want to make it known that we STRONGLY OPPOSE this change in zoning. We feel that he is already in violation of the current zoning restrictions, and should it be changed to allow for towing and impounding, he will push the envelope even more than he already has.

I have included several pictures that I took standing on my property IN MY BACKYARD. They show the mess that has already been created (including the start of the impound lot already--see broken down orange tractor trailer). Several months ago, I had a clear view of the pond behind my house. Now, as you can see, there are piles of junk and debris that have been dumped LESS THAN 10 FEET FROM MY PROPERTY LINE.

My two small children (ages 8 and 5) play on a playground in my backyard that is less than 100 feet from this mess. There are several kids in our neighborhood that like to come over to our house to play a game of baseball in our backyard. There have been times when they have had to stop their game because of the excessive noise and the dust that is stirred up from this dumping and bulldozing that goes on all the time.

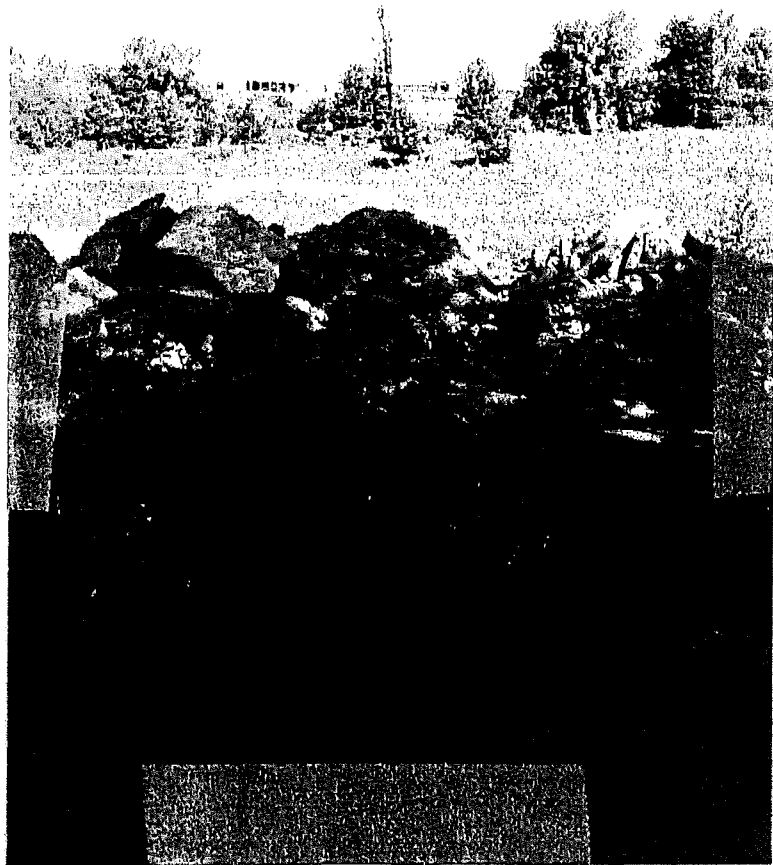
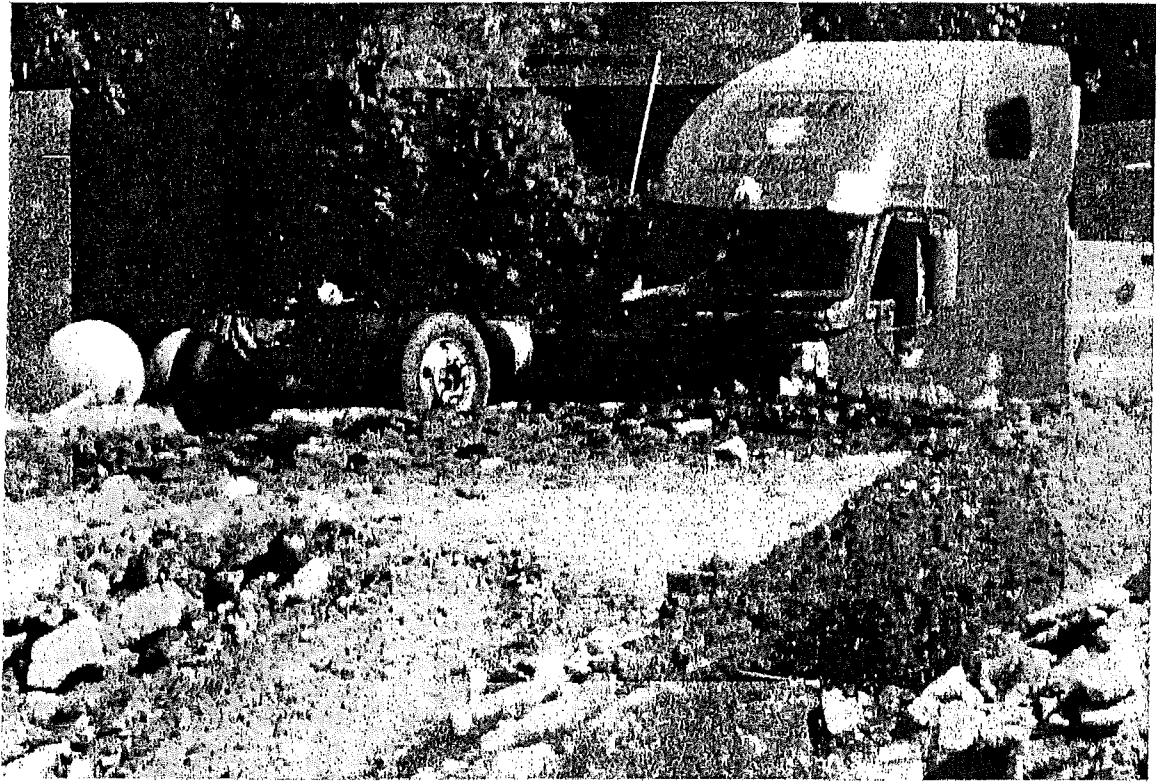
There are a great number of families in our neighborhood and in the surrounding area that are strongly opposed to this change. I'm sure you have gotten or will get letters from them outlining their concerns about the multitude of reasons this is a terrible idea for our community. I agree with all of them. Please hear our voices.

When Mr. Branscum first moved in, he told our next door neighbors that he was planning to level out the land and eventually put horses back there. As you can see, this has not been the case. If the zoning is changed and he is given legal right to do the things he is already illegally doing, how much worse do you think it will get?? Thanks for your time:

Chris and Jenny Coleman

1858 St. James Place, Verona, KY (859) 485-2403





Todd Morgan

From: wildfire@twc.com
Sent: Wednesday, September 04, 2013 2:07 PM
To: Todd Morgan
Cc: Mikekeller2007@yahoo.com
Subject: Ray Branscum request for zoning change

Mr. Morgan,

My name is Brenda Cook who resides at 15779 Teal Rd in Verona along with my husband Steve. Presently we are on vacation across the USA but are taking time out of our vacation to address a very serious matter that will have a direct impact on environment and neighborhood. Apparently Mr. Branscum would like to change our present zoning from residential/agriculture to commercial. When we relocated from Minnesota a little over 10 years ago, the zoning and school system were the determining factors for our decision to reside in Verona on Teal rd.

Many areas in Kentucky have become rundown and are areas for hoarding creating eyesores and concerns for health and safety. We wanted to be assured our property would be protected from such issues. The area around Mr. Branscum's property is residential and agricultural. The fact that he has been able to conceal his activities to behind his property was understood as private activities such as that of a farmer and his machinery, not that of commercial activity. My understanding was he owned trucks for hauling gravel, dirt etc. and stored his vehicles on his property in the buildings on the property. These vehicles in itself hindered traffic on Lebenon-Crittenden rd as you waited for them to turn in or out. There has been an increase in activity the last year increasing the problem as bigger trucks try to make the turn.

Further concerns with regard to chemicals, fuels etc. harbored either in the vehicles or within proximity on property poses safety and environmental concerns. No safety precautions that I can see from pictures of the adjoining sub-division, which observe Mr. Branscum's property from their own backyards have been taken. The proposed business would threaten and expose the sub-division to possible fire, chemical and other safety concerns because of it's close proximity to their development. Many families with children reside in this development.

Another concern regarding Mr. Branscum is although he may be a nice person, he has been allowed to violate the present zoning with disrespect and disregard to his existing neighbors. To reward him with re-zoning, would be condoning his actions that anyone can violate zoning because the county will not hold them accountable. I was under the assumption one must change zoning or move to an area zoned commercial THEN apply for a business license. He violated ordinances set forth for residential/agriculture. What assures us he will not violated future rules for his own benefit again disregarding the neighborhood?

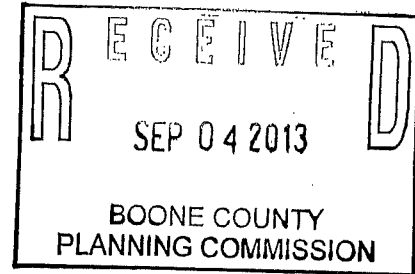
Lastly, I would like to add; Why would the county deny the property owner across from Mr. Branscum's properly, who are trying to sell 102 acres, the ability bring in more taxable residents? This would be far more viable to the neighborhood and beneficial to our community and county then a business of the type Mr. Branscum is proposing.

For all the reasons and more my husband Steve and myself adamantly oppose Mr. Branscum 's request for rezoning and furthermore request compliance with present zoning.

Regards,
Steve and Brenda Cook
15779 Teal Rd
Verona, KY

September 3, 2013

Boone County Planning Commission
2950 Washington St
PO Box 958
Burlington, KY 41005



Respected Board Members,

We are writing to you to register our concerns and disapproval, and to **ask you to vote NO to the Change in Non-Conforming Use of the Richard A. Brueggerman property** at 15487 Lebanon-Crittenden Road in Verona.

My name is David Keeley and I live at 15856 Teal Road in Verona with my wife, Jody Keeley, and our 24 year-old special needs daughter, Hannah, and my 21 year-old son, Patrick. We moved here two years ago after living 20+ years in Edgewood, KY.

We moved to Verona for several reasons. Chief among them was to escape the traffic and congestion of the Northern KY area. We have come to appreciate the serenity of the Verona countryside and the friendliness of our country neighbors, a friendliness born of a 'road less travelled' existence. Quite simply, we love it here!

But we believe this very special life of country living is most assuredly threatened by this proposed re-zoning.

Prior to our move here, to the best of our ability, we did our due diligence in selecting an appropriate rural area to relocate to. More specifically, we thought we had chosen an area that was zoned for Rural Suburban Estates. My background is in property development, having developed a 19 lot subdivision in N KY, so this was certainly done in earnest. We even accepted a significant tax increase in our choice to move here. Until now, our decision has been rewarded many times over.

Let's move directly to our objections. We believe the re-zoning of this property should be denied due to the following issues:

1. **There will be a predictable increase in various safety concerns, roadway and otherwise, that this type of commercial, heavy truck business will introduce.**
 - *This is a wrecker service operating 24/7, with a garage using hazardous chemicals/fluids with inadequate storage/trap drain system at that address. Semi-tractor trailer trucks will be moving in and out with dangerous cargo at all hours, the roadway is insufficient to take the weight or traffic and the entrance is inadequate, so the danger to the residential neighborhood is as many fold as the wreckage brought in.*

- *My daughter rides a special needs bus that is in and out of this area twice per day. It is a necessarily wide bus to accommodate some special passengers. Other school buses frequent the roadway, as well. These buses make use of every foot of available roadway.*
- *I am an avid bicycle rider that ride 100 miles per week on our roads. This is another reason I moved here. My passion is shared by numerous other riders who need a bit of 'highway space' to simply be safe. It can literally be life threatening to consistently confront over-sized vehicles.*
- *The area is a very popular walking area with significant, daily pedestrians use by young and old alike.*

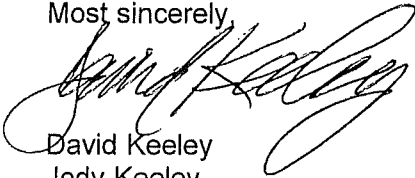
It is clear that that Lebanon-Crittenden Road was not designed to be wide enough to safely share with the above activities.

2. **There will be a predictable increase in the volume and type of traffic on Lebanon-Crittenden Road, not insignificantly a traffic type of the 'heavy trucking' variety involving very large trucks.**
 - *How can anything else result? And what happens a year from now will be dwarfed by the volume that comes 10 or 20 years down the road.*
3. **It will introduce and unusual and unnecessary increase in wear and tear to the main thoroughfare in the area, Lebanon-Crittenden Road. With that increased usage, it's likely a resultant cost increase that will necessarily be passed on to us taxpayers.**
 - *Historical review will confirm that this highway was not built with such consistent 'heavy truck traffic' use in mind.*
4. **Our rural suburban estate lifestyle will suffer a significant loss by the introduction of a commercial business, especially one of such a controversial nature.**
 - *It is most disturbing that there is a consideration to accommodate such a polarizing commercial venture for the benefit of one owner when there will be such an adverse result and no benefit whatsoever to all other area property owners. And while a man has a right to develop his property, limits of those rights are clearly defined by existing planning policies that all of us have agreed to be governed by.*
5. **There is no doubt that this will adversely affect the future residential nature of this area.**
 - *This will constrain any increase to the tax base of the area by the potential for limiting the introduction of new tax payers. Ultimately, this will adversely affect long term growth and result in a greater tax burden to be borne by existing residents. I would also assume that by re-zoning to this type of commercial use, the county is actually assessing a lower tax rate that will accompany the change.*
6. **There is a potential reduction *in all area property values* should the character of the area shift so dramatically with the introduction of such a controversial commercial venture.**
7. **Finally, apparently there is an existing trucking business operating on the Brueggerman property that is and has been operating illegally for a number of years. As if that was not concern enough, this new usage is even more objectionable! And any discussion of grandfathering in an illegal operation simply borders on the absurd. We are, after all, a nation of laws.**

We rely on the vision of our Zoning Board to ensure protections for our neighborhoods, our properties, and our families. We rely on you folks, our Boone County neighbors, to uphold the integrity of existing zoning laws that are consistent with the long term plan. Please listen to the 'voice of the majority of property owners' that are asking you to preserve the status quo of our area.

Again, we ask that you please vote NO for this re-zoning request. We do thank you for your time and your service to the county and its' residents.

Most sincerely,



David Keeley
Jody Keeley
Hannah Keeley
Patrick Keeley

15856 Teal Road
Verona, KY 41092
859-653-7411

Todd Morgan

From: Michael Richards <mikerichards78@gmail.com>
Sent: Wednesday, September 04, 2013 1:12 PM
To: Todd Morgan
Subject: Mr. Branscum Zoning change request.
Attachments: 491 zoning letter.docx

To: The Boone County Zoning Board

Mr. Branscum Zoning change request.

I would like to say that I oppose the changes that are being requested for the Hwy. 491 property due to the following reasons:

- *This goes against the Boone County Comprehensive plan for this area.
- *The owner has built a building and made changes to the property without going through the proper regulations of the State and County. This building should have been built under commercial codes, instead this homeowner not only ignored your laws for zoning, but the Building Codes also.
- *The reason that this activity has been taking place for ten years does not fall into play, due to the fact that there have been changes to this business that would alter that ruling.
- *This type of action currently takes place in Gallatin County. It's unappealing there and we don't need it taking place in our county.
- *This new venture puts damaging and dangerous chemicals through the area from wrecked vehicles.
- *EPA issues.
- *The unappealing eye sore of cars which can currently be seen from the road.
- *The future eye sore this will bring.
- *The danger of traffic in this area, while on that curve, from large trucks.
- *Due to the disregard of rules, regulations, laws, etc., that has already been shown by the owner of this property, it's obvious that the community will be at odds with this person in the future if this is approved.

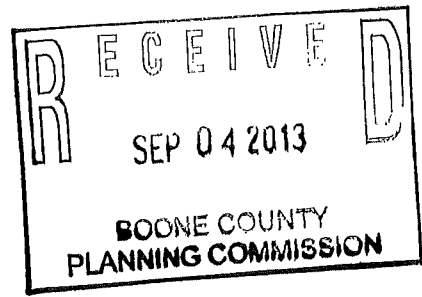
There are so many wrongs that aren't mentioned above, but I believe this is enough to express my concern with the situation.

Respectfully,

Charles Michael Richards

15696 Teal Road

Verona, Kentucky, 41092



9/1/2013

Boone County Planning Commission:

My name is Nate Huneycutt, I am writing in opposition to the proposed zoning change at 15487 Lebanon Crittenden Rd. currently owned by Ray Branscum. There are several reasons why my family opposes this proposition.

First of which is our property value. My Wife and I struggled with where we wanted to raise our 2 children (at the time, we now have 3). We debated extensively on location and environment. Finally in 2011 we decided to buy the property at 1883 St. James Pl. The rural setting and peaceful environment coupled with a great school system really won us over. We invested everything we had in to the property and the construction of our home, certain that we would live out our years here. The proposed addition of and impound lot on Mr. Branscum's property that is only a few hundred yards from ours will greatly decline our property value.

Secondly, the safety of our neighborhood will be compromised. If Mr. Branscum is permitted to make his farm an impound lot, who said in his own words "for wrecked, broken down or STOLEN vehicles" a very undesirable element will be introduced to our neighborhood. Our children play in the back yards of the homes that border his property and putting them at a greater risk from potential thieves stealing scrap and the inevitable rodent infestation associated with an impound lot or "junk yard" is an unacceptable proposal.

Third, the environmental concerns for our neighborhood and surrounding land. If Mr. Branscum is not prevented from continuing the illegal use of his property, we are at great risk of contaminating the land and water shed. It is not possible for Mr. Branscum to guarantee the wrecked, broken down and stolen vehicles that he wants to bring into our neighborhood will not leak automotive fluids and even hazardous chemical stored in the tractor trailers into the land and watershed that is connected to our properties.

These are a few of mine and my wife's concerns and we think more than enough reason to not let Mr. Branscum continue the illegal use of his property. Please take these issues under great consideration when deciding on this matter I cannot speak for my neighbors, but I will do whatever is in my legal power to prevent this zoning change. I am fairly certain that the rest of my community feels the same.

Thank you for your time and considerations.

Nate and Heather Huneycutt

Two handwritten signatures in black ink. The first signature is "Nate Huneycutt" and the second is "Heather Huneycutt".

Todd Morgan

From: TRENKAMP Lisa <lisa.trenkamp@power.alstom.com>
Sent: Wednesday, September 04, 2013 11:35 AM
To: Todd Morgan
Subject: zoning change for the property located at 15487 Lebanon Crittenden Road

Mr. Morgan:

I'm writing to express my opposition to the request submitted by Mr. Branscum for a zoning change for the property located at 15487 Lebanon Crittenden Road.

From what I understand, the property owner wants to operate a towing and truck repair business there along with an impound lot to be used to store wrecked trucks and other vehicles while insurance claims are being settled. These vehicles may be impounded for 30 days or more.

The large equipment traveling on Route 491 is a great concern for me. The roads were not built for such large equipment. The road is very narrow at spots and is very evident every time you pass a large truck. More large equipment traffic every day will do damage to the roadway. I think this is a maintenance and safety concern for the community.

Mr. Branscum's property is located at the top of a hill that slopes downward towards stream that flows across and between several properties owned by others in the area. Although the stream does not flow year round it carries a lot of runoff during storms. If the impound lot becomes a reality it will likely be populated with wrecked vehicles including trucks, cars and semi-trucks and trailers. Badly wrecked vehicles will leak all sorts of fluids including brake fluid, anti-freeze, motor oil, battery acid, gasoline and whatever liquid cargo may have been in a tank trailer involved in a wreck. The risk of contamination of the aforementioned stream and surrounding area is real. The stream is lined on several properties with trees that provide not only shade and peaceful views enjoyed by homeowners but also habitat for birds and small animals.

We built a home in this area based on the quiet residential and agricultural beauty located here. I believe change in zoning would have a negative impact on the environment and the safety of our community.

I sincerely hope that you and the other members of the Boone County Planning Commission will take these concerns into consideration prior to taking any action that will grant the request of Mr. Branscum and Mr. Brueggemann for a variance.

Thank you for your time,
Lisa Trenkamp
1867 St James Pl
Verona KY 41092

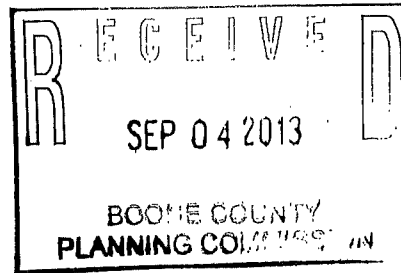
Lisa Trenkamp
Alstom Power
Midwest Service Center

1500 Jamike Ave.
Erlanger KY 41018
Office Phone 859-488-0967
Fax Number 513-297-9021

CONFIDENTIALITY : This e-mail and any attachments are confidential and may be privileged. If you are not a named recipient, please notify the sender immediately and do not disclose the contents to another person, use it for any purpose or store or copy the information in any medium.

September 3, 2013

Boone County Planning Commission
2950 Washington Street
P.O. Box 958
Burlington, KY 41005



To Whom It May Concern:

I am writing to object to the request of Richard A Brueggemann, Esq. for a Change in Non-Conforming use to allow a heavy trucking, truck repair, and excavation business to be converted to a truck and automotive repair business with towing and impounding. This property is located at 15487 Lebanon Crittenden Road, Verona KY 41092, (Boone County). The proposed request is more objectionable than the previous excavation business that was located on this property.

I object to this for several reasons. First from a safety standpoint, Route 491 (Lebanon Crittenden Road) is a narrow two lane road that is not equipped to safely handle the increase traffic flow from large tow trucks and tractor trailers. Having the increased large vehicle traffic on this road is a safety risk for drivers as well as for the school busses carrying children to and from Walton Verona Elementary, located approximately 1.5 miles away, as well as Walton Verona Middle and High School that also travel on Route 491, and the adjoining Route 14 and Route 16. It would be virtually impossible for a semi and a school bus to safely pass on Route 491, 14 or 16.

Also from a safety standpoint, Verona has a very low crime rate, which will potentially change with this business. Having cars and heavy trucking impounded to this site, poses a risk of increased crime. Either from individuals attempting to get their vehicles back, or from individuals attempting to steal items from the impound lot. This creates a potentially unsafe environment for the home owners and children in the area. The owners of this property may feel the same way, as they have two large Great Danes and a Lab on the property.

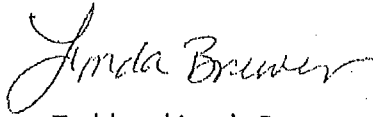
Lastly, from an environmental standpoint, having an impound lot with vehicles and trucks sitting for 30 days or more, creates a risk of fluids leaking from cars and trucks, such as oil, fuel, antifreeze and other potentially hazardous material that may be transported in the trucks that are impounded. This will create issues for the ponds and streams in the area, as well as the surrounding wildlife.

The noise that will also be generated by the repair business will disrupt the quiet lifestyle that we are accustomed to enjoying. Many families including mine, moved to this area to take advantage of the rural living, while also being privileged to send my children to an excellent school, Walton-Verona. Living in Verona comes with many perks, such as the school and the quiet area, but for that privilege we pay one of the highest tax rates in the state. If this zoning

change is allowed to take place, it would disrupt this safe and quiet community, thus, potentially causing families to move, and making it difficult to recruit new families from moving to this area.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Lynda Brewer". The signature is written in black ink and is positioned to the left of the typed name.

Todd and Lynda Brewer
1855 St. James Place
Verona, KY 41092

Todd Morgan

From: DANIEL KINZIE <d.kinzie@insightbb.com>
Sent: Friday, September 06, 2013 10:03 AM
To: Todd Morgan
Cc: Farrell, John/Tracey
Subject: 15487 Lebanon-Crittenden Road

Dear Mr. Morgan:

I wish to object to the proposed Change in Non-Conforming Use for the above address. I live at 15840 Teal Road, less than 1/2 mile from that address and never knew a business existed there before. The previous excavating business was an off site operation, that had equipment at remote job sites for months at a time. Often, the equipment would move from one site to the next and never return to the above address. Occasionally, a truck would be seen at the address, but rarely!

Now, we find out that the opposite is being declared. Its kind of like knowing your neighbor is a baker, who goes to his bakery every morning for years and once a month or so brings the company truck home. Yet, when he goes to sell the property he declares that his home address is commercial, because he has secretly and illegally, been operating a bakery at home! And, the neighbors have no recourse because they should have known and stopped it?

The secret, hidden business is now going to become a 24 hour/ 7 day a week operation, who's wreckers are on call and bringing trucks and unknown dangerous cargo into our neighborhood. I have a child just starting school and have been held up by traffic at this new business, attempting to maneuver a huge tanker into the wrecking yard. I have no idea what chemicals were in that truck or what others may contain! There are many places in Boone County for such business', but this is not one of them. For the safety of the tax paying residents, I hope you will see the deceit here and stop the change.

Sincerely;

Daniel Kinzie

To: Members of the Board of Adjustment for the Boone County Planning Commission.
From: Mike Keller. 15794 Lebanon Crittenden Rd, Verona.
Subject: Sept 11 hearing on the request of Rick Brueggemann for a change in non-conforming use for 15487 Lebanon Crittenden Rd.

Gentlemen,
Please consider my comments and objections to this requested change.

In conversations with Kevin Wall and Todd Morgan I understand that the current business being operated as RBI Trucking by Ray Branscum is in non-conformance with current RSE zone. And that the purpose of the hearing on Sept 11 is to ask the Board to make it legal to continue operating a trucking, truck repair and excavation business and to allow an expansion to include automotive repair and a towing and impound business with vehicles allowed to remain on site for over 30 days.

I was told that Branscum assumed he could operate his business because when he purchased the property there existed an excavation business on that site. I understand that business was "grandfathered", having operated longer than ten years.

So in other words Branscum is asking to have his existing operation made legal and to be allowed to expand.

I'm familiar, with the previous excavation business and what is currently operating there is much more objectionable. And the planned expansion is even more objectionable. I'm opposed to this for several reasons, most of which didn't apply to the grandfathered business: Apparent disregard for the RSE zoning parameters, environmental issues, safety considerations and the deterioration of the peace, quiet and general quality of life in the neighborhood.

Environmental: If allowed to expand into an impound operation it's reasonable to assume wrecked vehicles and heavy trucks will at some time be impounded there. These vehicles could potentially leak lubricants, coolants and fuel into the ground. Additionally there may be leakage of the cargo they hold which may be toxic and hazardous. This is, most critically, an obvious danger to the residents and children living near the property, to the environment and these fluids would most assuredly drain into the pond located at the rear of the site, presenting a hazard to wildlife in the area.

Safety: I have several concerns here. First is the potential of a fire involving impounded vehicles. There are several homes very near the site, some of families with small children. The danger is not only of spreading fire but potential explosion of fuel tanks or cargo. Additionally the resulting toxic fumes which could be carried thousands of yards by the wind.

An additional safety concern is the introduction of criminal elements. We currently enjoy a very secure environment here in Southern Boone County as indicated by the few police calls to our area. That is likely to change if this business is allowed to operate. Even Branscum is aware of this as evidenced by the guard dogs he has on site. And it should be noted that one dog is

allowed to run loose and has been reported to Animal Control by several residents, supposedly resulting in a citation.

And finally I'd like to point out that routes 14, 16 & 491 are narrow roads, I'm concerned about the safety aspects of a school bus full of children encountering a semi being towed to RBI from interstate 71 or 75. Not to mention the impact of heavy truck traffic damage to the road surface.

General quality of life: If allowed to operate an impound lot it would result in the transport and delivery of heavy trucks at any time, causing disruptive noise at all hours of the day and night. The area is currently being leveled using concrete and construction debris, an eye sore, and an impound lot is as unsightly as a junk yard.

Disregard of the RSE zone restrictions: I'd like to address the "grandfathering" comment. I have lived here for 23 years. My wife and I purchased property here thinking we would be protected from just this kind of issue by the zone regulations. Indeed, living in the Walton Verona school district, I and my neighbors are paying some of the highest taxes in Kentucky for the privilege. I submit that it is I and my neighbors who are "grand fathered", even though zoning laws don't address this.

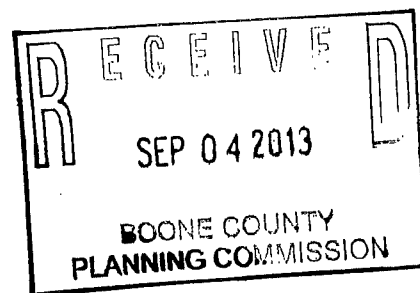
I'd also like to point out that the business that is "grand fathered" was an excavation business which was basically storing and maintaining the equipment of one business. Similar to what farmers do with their agriculture equipment. As stated in the request what is operated now is much more and hardly resembles what existed before Branscum purchased the property. And as stated, the original business was less objectionable.

The erosion of the protection the RSE zone provides property owners in this part of the County will make selling additional building lots harder or at least reduce their value. This will have an obvious negative impact on needed revenues to our school system.

For the reasons I've listed above I strongly urge you to deny this request, to maintain the integrity of the RSE zone and to help us maintain the quality of life we enjoy as residents of Boone County.

Regards,

Mike Keller

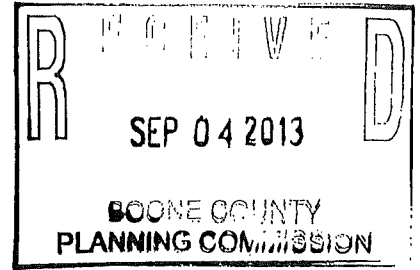


September 4, 2013

To: Boone County Planning Commission

From: Thomas and Marie Tobler

Re: Brueggemann/Branscum request for 15487 Lebanon Crittenden Road



We would like to express our opposition to the above request.

A Large Commercial Building was built in October 2012 without a permit.

There is no Comprehensive Plan for this area of Verona for Commercial use.

There is a stream/pond/lake that sits behind this property which will have run off chemicals harmful to the animals, land and environment.

There are multiple cars on this lot which might suggest it is already being used as an impoundment lot.

The Affidavits on file do not address the change in the use of the property.

A disregard for the laws and regulations by this land owner

If this request is rejected, it's likely there will be an appeal. There needs to be restrictions as to the use of the property during this appeal process.

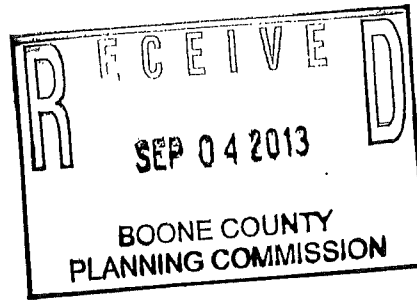
Thanks for your time and consideration.

Sincerely,

Thomas and Marie Tobler

15756 Teal Road, Verona, KY 41092

Board of Adjustments
Boone County



To Whom it May Concern:

Please accept this letter as the objection by an adjacent neighbor to the proposed zone change to 15487 Lebanon Crittenden Road. This request does not arise from any special circumstances on the subject land, a hardship from strict application, nor actions subsequent to the adoption of the current zoning code.

The applicant property as well as my own is currently zoned as Rural Suburban Estates (RSE) whose purpose is to "provide a residential environment whose dwelling types and densities are typical of a semi-suburban character....which are not suitable for larger scale or more densely developed suburban or urban residential use." (Section 910).

I purchased my property in April 2013 for the purpose of escaping a densely developed suburban/urban residential area in the Covington/Independence corner of Kenton County. My family and I chose this property specifically for its more rural design: space between houses, adjacent farm land, low traffic, less heavy machinery traffic. From my front porch, I can see the subject property. Currently, what I see is large garage, surrounded by green pastures. I do not currently hear industrial noises.

The proposed change is to allow the applicant property to develop into a heavy machinery repair shop as well as add towing and outdoor repossession storage of heavy machinery. This use is not a permitted use under 910, nor is it a conditional use under Section 913. It is contradictory to the qualifications for a conditional use under 913 as well.

- A) The activity is not integral nor subordinate to a function of a permitted agricultural, recreational or residential use. It is a major change to the existing, non-conforming use.
- B) The activity will contradict the semi-suburban, open space character of the district. My adding the outdoor storage of heavy machinery, for a time period yet to be defined, the rural of my land and the surrounding area will be changed both in view, traffic, noise, and safety.
- C) The activity will require additional infrastructure above what is needed to the common district's permitted uses. The road infrastructure is not designed for increased heavy traffic, nor would such improvements be required under a RSE use.
- D) The activity is in direct contradiction to the relationship and purpose of the district. Increased repair work, and outdoor storage, will detract from the relationship of the area's rural nature. And,
- E) The activity will no longer be contained within an arrangement of uses buildings, or structures which are compatible with the organization or permitted and accessory uses which are protected in RSE district. The existing use is not compatible, but is currently maintained within a structure which shields it from view by the adjacent properties. The expanded use is to be held outdoors, under no structure to shield it.

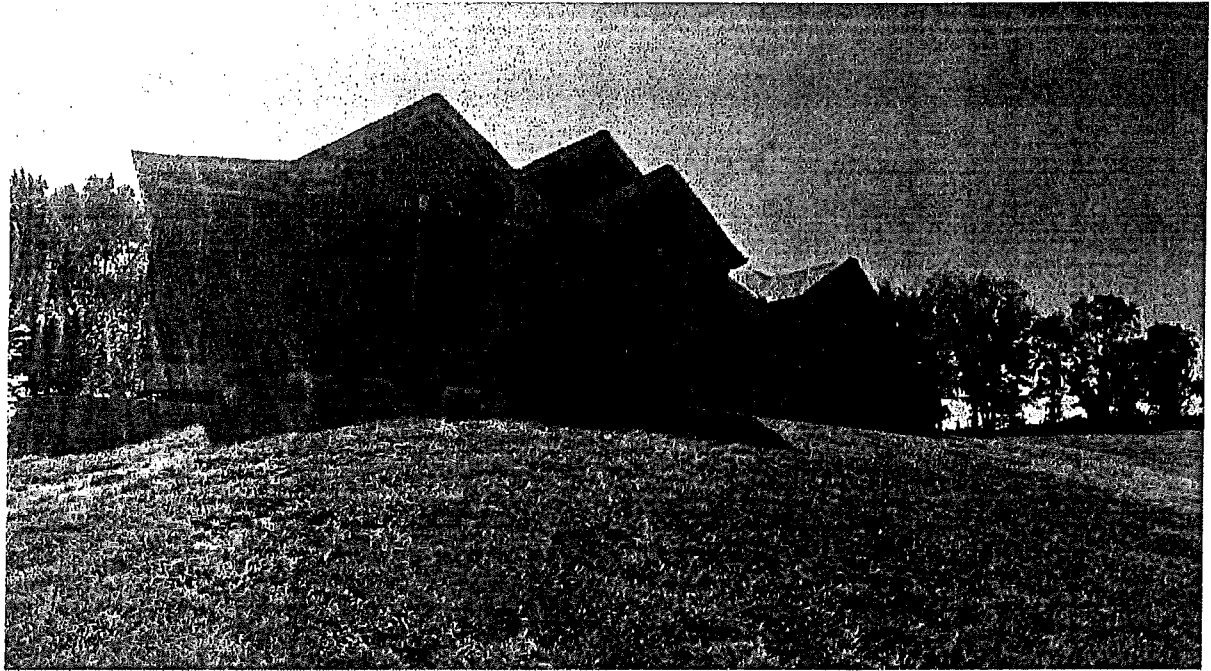
The rural nature of this zone is spelled out in the permitted and conditional uses which include (but not limited to) single-family dwellings, farms, wildlife preserves, garden plots, hiking trails, country clubs, commercial kennels, boarding stables, churches and cemeteries. These uses are consistent with the nature of the area as it exists. These uses are consistent with the reasons why neighboring property owners own land in this area. These uses are reasons I purchased land in this area. None of these are consistent with expanded heavy machinery repair, nor with towing and storage activities. The proposed activities and variance will greatly alter the essential character of the general vicinity, as well as cause a nuisance to the public. The proposed activities and variance are an unreasonable circumvention of the requirements of the zoning regulations, as set out in detail above.

Additionally, we ask that you not be swayed by any argument in the alternative regarding changes in the nonconforming use. As stated above, the property is currently being used in a nonconforming manner. We request that the Board not grant changes to the nonconforming use as such a grant would circumvent the intent of the zoning code spelled out above.

Therefore, the below property owners ask that you deny the appeal, deny the application for variance and maintain the valuable rural character of the area.

Thank you,

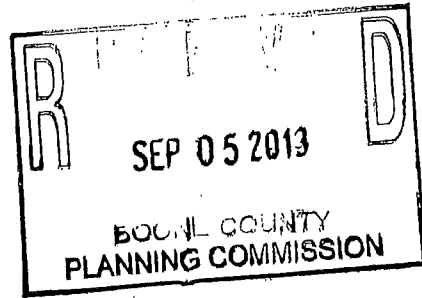
Wes and Bridgette Conley
1870 Saint James Pl.
Verona, Ky. 41092
859-462-4618



1870 Saint James Pl.
Verona, Ky. 41092

9-3-13.

Planning Commission
Boone County Ky
Burlington Ky 41005



To Whom it May Concern: Kevin Hall.
Regarding rezoning the Lay Bronseum property
at 15487 Lebanon Crittenden Rd. Verona, Ky
I, among many neighbors are opposed to the
rezoning of this property. The Lebanon Crittenden
Rd. is very narrow as well as being curvy and
rolling. Aulick Verona Elementary School is nearby
and the road is easily damaged. I, for one have
purposely moved here from Newport for the rural
setting, investing a great deal of money only to
find a heavy equipment impound business rezoning
issue. My objection is to the possible road, damage
and damage to my car, increased heavy traffic,
environmental issues. I looked over this neighborhood
thoroughly before relocating and somehow mistook a
farm for an existing hidden truck + impound business
Surely the wishes of a large community of homeowners

who deliberately took substantial losses on homes
in other counties to relocate to Boone County for
the touted amenities should be considered in your
decision. Again, I respectfully oppose the
request for reopening of 15487 Lebanon Crittenden Rd.
Verona.

Sincerely,

Judy Packard

15839 Teal Rd.

Verona, Ky 41092

859-445-7519

Todd Morgan

From: Home <tonyprints@fuse.net>
Sent: Thursday, September 05, 2013 11:31 AM
To: Todd Morgan
Subject: Objection to zoning change

Mr Morgan,

I am writing to you to express my deep objection to a proposed zoning change at 15487 Lebanon Crittenden Road, at the property of Mr Branscum.

My objections are many fold, but my main concern is for the safety of the citizens of Verona and all of Boone county. Lebanon Crittenden road is a narrow two lane rural road that does not need any more traffic, specifically truck traffic. The thought of wreckers pulling in cars, semi trucks, and possible dangerous cargo at all hours of the day and night is almost unbearable. We certainly don't need the noise, the flashing emergency lights, and the excess traffic caused by people coming any going to and from a "storage lot" at all hours.

I have lived in Verona most of my life and have watched it grow from a sleepy farming area to a thriving residential area that is very desirable to many people looking for peace and quiet. I don't believe what is being proposed is in the best interest of this area.

I believe the business being done at that property now is not in conformity with what is meant for this area, and it certainly does not need to be allowed to expand.

Please keep this rural, residential area as is. There are many nice homes in this area and many more being built. Please don't stop positive progress by allowing a trucking, towing, and storage business to ruin it all.

Thank you,
Tony Prince
15800 Lebanon Crittenden road
Verona Ky

Sent from my iPhone