

APPLICATION FOR ZONING ACTION

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

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

Applicant: Jack Tucker Owner Agent

Address: 399 Camp Ernst Rd.

Burlington, Ky. Telephone: 586-6305

Location: Near intersection of Camp Ernst Rd + Rogers Lane

Name of Owner: Jack Tucker

Address of Owner: 399 Camp Ernst Rd. Burlington, Ky.

Zone: _____ Area in Acres: about 3 acres

Description of Request: Conditional Use permit to place mobile home upon property owned by the applicant.

Owner's Signature: Jack Tucker

Date April 18, 1983 Applicant's Signature: Jack Tucker

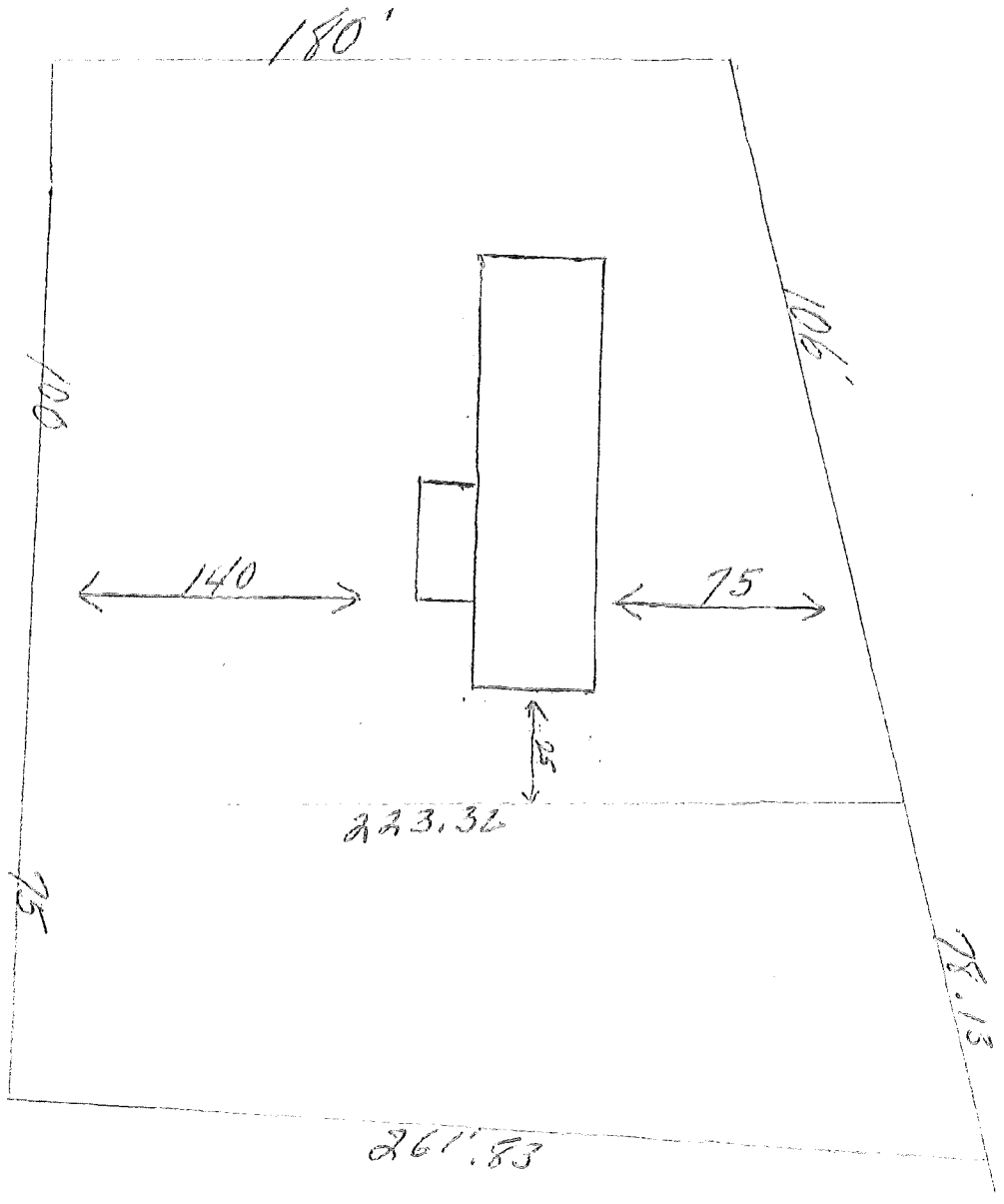
FOR PLANNING COMMISSION USE:

Application date and fee of \$ _____ Received: _____

Referred to: _____ For Meeting Date: _____

Action: _____ Date: _____

Deed Book 295 Page 275 .411 acres Group 2030
Deed Book 182 Page 114 2.06 acres Group 2030
Deed Book 210 Page 531 12,358 sqft. Group 2030



BOONE COUNTY BOARD OF ADJUSTMENT

MINUTES

May 11, 1983

6:30 P.M.

Vice Chairman Archambault called the meeting to order at 6:30 P.M.. Three members were present. Mr. Thomas was absent. Members of the staff present were: Mr. Block, Mr. Wilson, and Mrs. Baker. Ms. Sullivan was absent. Mr. Archambault moved to accept the minutes of April 28, 1983. Mr. Nevel seconded, the vote carried unanimously.

Vice Chairman Archambault proceeded with the request of Jack Tucker for a Conditional Use Permit to allow the placement of a mobile home upon property owned by the applicant located near the intersection of Camp Ernst and Rogers Lane, in a Suburban Residential One (SR-1) zoning district, containing approximately 3 acres. Mr. Block presented the Enforcement Officer's Report and located the property on the map. Mr. Block stated that a site plan was not submitted. Mr. Block pointed out that the mobile home violates Article 18, Section 833, in which mobile homes are not a listed conditional use in the SR-1 zone. Mr. Block stated Mr. Tucker was notified by letter of the situation. Mr. Tucker placed a mobile home on the site and it is presently being used. A formal complaint to District Court of this violation has been filed at the County Attorney's office. Vice Chairman Archambault asked if Mr. Tucker had any comments. Mr. Tucker stated he purchased the mobile home from Fiscal Court and placed it on his property to provide his son a place to live. Mr. Bill Wilder, Attorney for Applicant, stepped forward and submitted a site plan drawn by Mr. Tucker. Mr. Wilder stated there was a mobile home adjacent to Mr. Tucker's property which has been there for 13 years. Mr. Wilder continued that the surrounding area was of mixed uses. Mr. Wilson stated that the existing mobile home was not an authorized use in the C-1 zone, but was a pre-existing non-conforming use, and if the mobile home had been put in after the zoning regulations were adopted it would also be in violation.

Vice Chairman Archambault asked if anyone was in opposition. Mr. Malapelli stated he owned the property adjoining Mr. Tucker's and was not in opposition of the mobile home, as long as there are no more mobile homes permitted. He continued that if Mr. Tucker's son needed a home, he had no objection to the mobile home.

In response to Mr. Archambault's question, Mr. Tucker stated the mobile home was temporarily connected to his septic system. Mr. Block stated it would be the Northern Kentucky Health District that would decide whether or not to approve the septic system. In response to Mr. Ryan, Mr. Block stated the adjoining property owners had been duly notified. In response to Mr. Nevel's question, Mr. Block stated that as Zoning Enforcement Officer he filed the criminal complaint against Mr. Tucker. Mr. Block continued that a certified letter dated March 19, 1982 was sent to Mr. Tucker officially stating the mobile home was not permitted and that it should not be used as a dwelling. Mr. Block stated that Mr. Tucker did take additional steps to use the mobile home for a dwelling. Mr. Block stated he informed Mr. Tucker on December 22, 1982 that the mobile ^{home} was in violation. Mr. Block noted that he had talked to Mr. Tucker on March 19, 1982 and that he had understood the mobile home would not be permitted. Mr. Tucker stated that he had informed Mr. Block that his son had financial problems and needed a home. In response to Mr. Ryan, Mr. Tucker stated he purchased the mobile home in February of 1982. Mr. Ryan stated to Mr. Tucker that he knew that approval was needed before the mobile home was occupied. Mr. Tucker stated that he was trying to get approval, but he was told there was nothing that could be done. Mr. Wilson stated that the applicant's property is zoned SR-1 and a mobile home is not permitted as a conditional use and the Board does not have the authority to issue a Conditional Use Permit. Mr. Wilson read "KRS 100.247" which states the Board shall not possess the power to grant a Variance to permit a use of any kind of building or structure which is not permitted by the zoning regulation in the zone in question. Mr. Wilson stated it also applies to a Conditional Use. Mr. Block stated the SR-1 zone does not permit a mobile home. Discussion followed concerning requirements for application for a zone change.

Mr. Ryan moved to deny the request based on the fact that the Board cannot legally grant the request; Mr. Nevel seconded. The vote carried unanimously.

In response to Mr. Tucker's question, Mr. Wilson stated that if Mr. Tucker applied for a zone change, it would be up to the Court and the Lawyers to determine whether to proceed with the criminal charges or wait for the result of the zone change request.

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Mr. Archambault moved to adjourn; Mr. Ryan seconded. The vote carried unanimously. The meeting adjourned at 6:55 P.M.

RESPECTFULLY SUBMITTED

Sherry G. Baker

CLERK

APPROVED: _____

CHAIRMAN