APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: Thomas & Robin Medlock ☐ Owner ☒ Agent

Address: P.O. Box 165 Union, Kentucky 41091

Telephone: 384-1244

Location: North side of Dale Williamson Road approximately 0.5 mile northeast of Kentucky Highway No. 536.

Name of Property Owner: Robert L. Porter, Jr.

Address of Property Owner: 12679 Hutton Drive Richwood, Kentucky 41094

Zoning District: A-1 Area in Acres: 8.299 Acres

Deed Book: 327 Page Number: 131 Group Number: 2053

Description of Request: Permit for Mobile Home

Applicant's Signature: Thomas Medlock

Property Owner's Signature: Robert L. Porter, Jr.

FOR PLANNING COMMISSION USE ONLY

Application Fee: 162.00 Date Received: 5-24-85 By: Pat

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

CONDITIONAL USE PERMIT REPORT

JUNE 12, 1985

APPLICANT:	Thomas and Robin Medlock
DEVELOPMENT:	Mobile Home Site
LOCATION:	Dale Williamson Road, off of KY. 536 Hathaway Road
ZONED:	Agriculture, A-1

REMARKS:

The applicants are requesting a Conditional Use Permit to place a mobile home on a 8.299 acre tract located on the north side of Dale Williamson Road about 1/2 mile northeast from KY 536, Hathaway Road.

The applicant has supplied a plan (attached) showing a proposed 12 foot by 70 foot mobile home with a front yard of 250 feet and side yards of 150 and 130 feet.

Currently, the adjoining property to the subject property is undeveloped to the east and west. To the north and south land is currently Agricultural and Residential. In addition, several mobile homes exist in this area of Hathaway, Riddles Run and Sullivan Road.

The Boone County Comprehensive Plan indicates a future land use of Agriculture and Environmentally Sensitive for the subject site and adjoining sites to the north, east, and west. To the south, toward Gunpowder Creek, is planned Recreation.

I would like to direct the Board to review the qualifications and criteria of Section 613 providing for the review and approval of Permits.

Should the Board decide to recommend approval of this request, I would recommend the following condition to the Permit:

1. This Permit shall not be valid until a copy of the approval for the on-site sewage treatment system by the Northern Kentucky District Health Department is provided for the Board's records.

Alvin "Chip" Block

Alvin "Chip" Block
Planner

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;
e. private swimming pool, sauna, bathhouse and like accessories;
f. private recreational court, complex or similar recreational activity;
g. private stables or other keeping and use of pets and animals.

2. temporary buildings incidental to construction;
3. offices for farm management and administration of agricultural services offered on the farm premises.

Section 613
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 part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or b) the activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and c) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. Dwellings or rooming houses for persons employed on the premises other than the family of the farm owner/operator and/or resident manager;
2. Garden store, nursery and similar landscape sales of products produced on the premises;
3. Kennels and boarding stables;
4. Churches, synagogues, temples and other places of religious assembly for worship;
5. Cemeteries and mausoleums if adjacent to or in extension of an existing cemetery;
6. Public and commerical outdoor recreation;
7. Duplex dwelling units;
8. Mobile homes;
9. Commercial stockyards and feed lots;
10. Dumps and landfills for non-combustible materials including sanitary landfills.

Section 614
Intensity

The maximum intensity of use shall not be greater than one lot per five (5) gross acres of land.

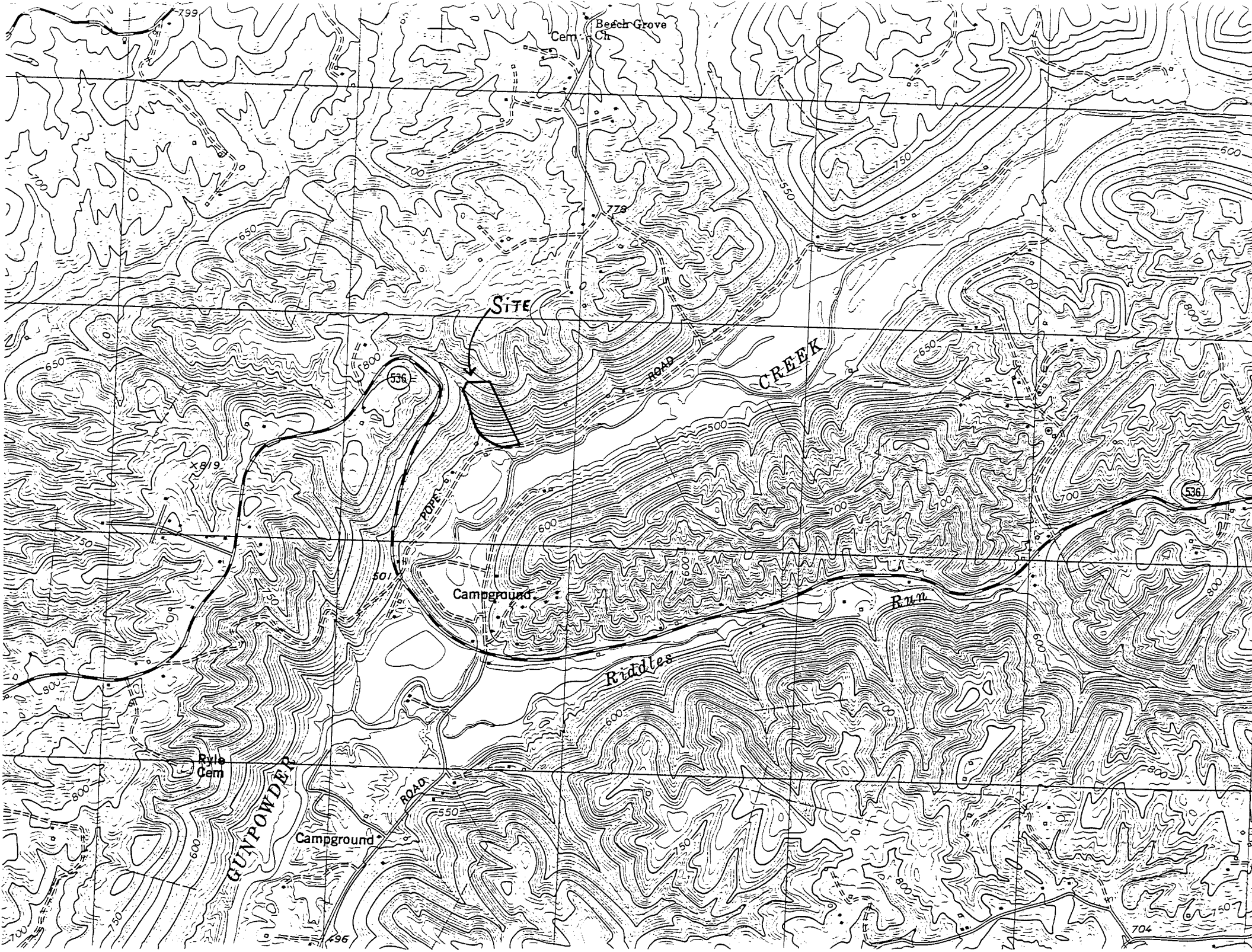
Section 615
Minimum Size

The minimum size and extent of an A-1 district, including all the contiguous private property so designated, shall not be less than thirty (30) acres.

Section 616
Minimum Standards

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

1. No use shall include the operation or maintenance of a commercial stockyard or feedyard, except as permitted as a conditional use.
2. See Table 1 for dimensional standards.


Beech Grove Ch
Cem
SITE
CREEK
ROAD
536
POPE
Campground
Riddles
Run
Ryle Cem
GUNPOWDER
ROAD
Campground
799
778
704
496

BOONE COUNTY BOARD OF ADJUSTMENTS

JUNE 12, 1985 6:30 P.M.

Chairman Pro Tem Walter Ryan called the meeting to order. The roll call was taken by Staff Member Jeanne Huddleson. Three members present: Messrs. Houston, Nevel, and Chairman Pro Tem Ryan. Counselor Dale Wilson was also present.

Chairman Pro Tem Ryan suggested the Board review and discuss the Minutes of the last Board of Adjustment Meeting of May 8, 1985 later in the Meeting.

Chairman Pro Tem Ryan proceeded to Item 1 of the Board's Agenda.

Conditional Use Permit

A request of Edward H. Russell for a Conditional Use Permit to place a mobile home on a five (5) acre tract located at 127 (now 4080) Hathaway Road. This property is currently zoned Agriculture, A-1.

Chairman Pro Tem Ryan noted that a letter had been received by the Planning Commission office from the applicant that the request had been withdrawn. Staff member Chip Block confirmed the receipt of the letter of withdrawal.

Mr. Larry Warner inquired if another application could be forthcoming for the site. Mr. Block stated the previous applicant or another applicant could apply but that the application would have to proceed through the procedural process.

Change of Non-Conforming Use

A request of Bavarian Trucking Company, Inc. for a Change of Non-Conforming Use for their property located on McCoys Fork Road, currently zoned Agriculture, A-1. This request is to permit the expansion of the existing storage and maintenance facilities for vehicles on this site.

Staff member Chip Block presented a slide presentation on the subject and surrounding area. Mr. Block also presented a staff report which stated the applicant is requesting the change to permit the construction of a building to house the maintenance and repair operations of their vehicles. Mr. Block noted the use is currently found on theproperty but is being requested to be permitted in this building. Mr. Block directed the Board to review the enclosed plans (reduction) and copy of Sect. 284 referring to the criteria for a change of non-conforming use. Mr. Block stated his only recommendation would be that a condition be considered to any approval requiring the asphalt

"hard surface" paving as proposed on the plan before occupancy of the building.

Atty. Carl Freihofer, representing Bavarian Trucking Company, related the events leading up to the placement of the current building and the subsequent application and difficulties in obtaining the required site plan and other information. Mr. Freihofer explained his client did not realize the necessity of a permit and also explained the need for the building to provide maintenance on Bavarian trucks. Mr. Freihofer stated the proposed change of non-conforming use will not increase the traffic on McCoy's Fork Road.

Mr. Nevel inquired if there was any problem with the entrance road to the site being blacktopped as shown on the site plan. Mr. Freihofer explained what ever is shown on the plan is what the applicant intends to provide. Mr. Block noted the plan does note concrete or blacktop surfacing. Mr. Block also noted the letter referred to by Mr. Freihofer was in the Commission's record file.

Mr. Nevel moved that the Board grant the change of non-conforming use for property located on McCoy's Ford Road in the Agriculture, A-1 zone, and subject property also known as the Bavarian Trucking Company site, and with the condition that the paving of the entrance drive be provided prior to occupancy of the building is permitted. The motion was seconded by Mr. Houston. After discussion, the motion carried unanimously.

Conditional Use Permit

A request of Betty Jo Scudder for a Conditional Use Permit for property located at 8525 Dixie Highway, currently zoned Industrial One, I-1. The purpose of this request is to permit the use of this property as a "Day Care Center".

Staff member Chip Block presented a slide presentation on the subject and surrounding area. Mr. Block also presented the staff report which stated the only proposed change to the existing site is to provide a fenced in play area to the south of the building (formerly known as Howell's Carryout). Mr. Block stated the adjoining property to the south and west is undeveloped while to the north is residential and to the east is industrial. Mr. Block stated he would direct the Board to review Section 1033 which provides the criteria for the review of Conditional Use Permits.

Mrs. Betty Jo Scudder, applicant, stated she was present to answer any of the Board's questions.

Chairman Pro Tem Ryan asked if the subject property was adjacent to the Plymouth Steel site. Mrs. Scudder noted there is a house in between the subject property and Plymouth Steel.

There was no other audience support or opposition expressed.

Mr. Houston moved that the Board approve the Conditional Use Permit for property located at 8525 Dixie Highway and currently zoned A-1. The motion was seconded by Mr. Nevel. After discussion, the motion carried unanimously.

Setback Variance

The request of D. Bringham Roberts, Architects & Associates, Inc. (agents) for Nor-Com, Inc. (owner) for a Variance on property located a 2126 Petersburg Road, currently zoned Commercial Two, C-2. The purpose of this request is to permit a variance in the required rear yard setback of 50 feet to a requested 40 feet for a building addition and a variance in the required parking of 12 off-street spaces (after the construction of the addition) to a requested 8 spaces.

Staff member Chip Block presented a staff report and slide presentation on the subject agenda item. Mr. Block noted from the staff report that review of the area indicated the building maintains a 40 foot setback and the applicant has not caused this due to the building existing prior to the current regulations. Mr. Block aslo noted that by strict application the whole building addition would be rquired to be moved 10 feet closer to the front which would necessitate removing an existing air conditioner. Mr. Block also noted that he could fin no reasons concerning the preservation of the public safety or welfare in this instance but that the essential character of the neighborhood would not be changed since the setback is existing. Mr. Block stated that applicant identifies the addition is for storage and thus would not require additional parking because of the definition of gross floor area. Mr. Block explained a letter which described the specific unique site conditions and circumstances (not cuased by the applicant) of the site and the reasons strict application woudl deprive the applicant of reasonable use of the land, and for Board members' reference had been included in the Board of Adjustment information.

Mr. Dan Van Meter, owner of the subject property, stated he was present to answer Board questions. Mr. Van Meter also noted intentions to landscape the whole side when the addition is completed.

There was no other audience support or opposition expressed.

Mr. Nevel moved that the Board grant the variance in the required rear yard setback of 50 feet to a requested 40 feet for a building addition and a variance in the required number of off-street parking spaces. The motion was seconded by Mr. Houston. After discussion, the motion carried unanimously.

Conditional Use Permit

The request of Thomas and Robin Medlock for a Conditional Use Permit for a 8.299 acre tract located on the north side of Dale Williamson Road off of Ky. 536, Hathaway Road, curently zoned Agriculture, A-1. The purpose of the request is to permit the placement of a mobile home on this property.

Staff member Chip Block presented a slide presentation and staff report. Mr. Block stated the applicant has supplied a plan showing a proposed 12 foot by 70 foot mobile home with a front yard of 250 feet and side yards of 150 and 130 feet and Mr. Block noted the adjoining property to the subject property is undeveloped to the east and west while to the north and south the land is currently Agricultural and Residential. Mr. Block noted that additionally several mobile homes exist in the area of Hathaway, Riddles Run and Sullivan Roads. Mr. Block stated the Boone County Comprehensive Plan indicates a planned future land use of Agriculture and Environmentally Sensitive for the subject and adjoining sites to the north, east and west while to the south, toward Gunpowder Creek Road, is planned Recreation. Mr. Block directed the Board to review the qualifications and criteria of Section 613 which provides for the review and approval of permits under the A-1 zoning district. Mr. Block noted that should the Board decide to recommend approval of the request, he would recommend the following condition that the permit not be valid until a copy of the approval for the on-site sewage treatment system by the Northern Kentucky District Health Department be provided for the Board's records.

Mr. Thomas Medlock, applicant, noted his presence to answer Board members questions. Mr. Bob Porter, current owner, explained the site includes 139 acres and related that he owns the 90 acres on the opposite side of the road. Mr. Porter stated the site itself is set up ideally for the placement of a mobile home and that the site is not visible from the road and will be in a somewhat isolated site.

Mr. Larry Warner, speaking for a group of area homeowners who had recently objected at prior meetings to the zoning regulations in its address of mobile home placement, requested the Board to defer action on the subject request until the Planning Commission studies and reviews the regulations regarding the placement of mobile homes county-wide.

Mr. Block referred to Section 613 of the zoning regulations for uses in the A-1 zoning district.

Mr. Warner again noted the Planning Commission is reviewing the issue of mobile home placement. Mr. Reiser stated the residents were merely asking for the Board to hold applications until a Commission decision is made.

Counselor Wilson noted the Board is under time limitations and accordingly must act on the request within a certain time requirement. Mr. Block noted the application must be acted upon in 60 days from the date of May 21, 1985.

Mr. Bob Porter, owner, noted the Planning Commission is taking it under study and inquired if the study and review would even be completed and enforceable within the applicant's action time.

Mr. Block stated the residents had asked the Planning Commission and the Technical Committee (subcommittee of the Planning Commission) to study and review and to "where necessary change the legislation as the Planning Commission feels is appropriate" to address the residents' expressed concerns or to modify the regulations in the Planning Commission's review of the Comprehensive Plan Update.

Mr. Bob Porter, current owner of the subject property, expressed concern that the applicant has conformed to the current legislation and regulation as it exists and also Mr. Porter expressed concern of the residents request to alter current procedures. Mr. Porter contended that to hold the request would cause undue hardship to himself as well as Mr. and Mrs. Medlock and that no one has any idea "when" the Commission would recommend on the issue of mobile home placement. Mr. Porter also noted the property is not contiguous to those present speaking in opposition to mobile home placement. Mr. Porter contended the site is 139 acre site and is an agricultural zone which does permit mobile homes as a conditional use and Mr. Porter implored the Board not to delay action on the "if come" premise as proposed by the residents of opposition to mobile homes.

Chairman Pro Tem clarified the subject property is one-half mile back off Hathaway Road. Mr. Block affirmed. Chairman Pro Tem noted 130 feet off of Dale Williamson Road.

Mr. Warner inquired if the mobile home would be clearly visible from the road. Mr. Medlock responded it would not be visible. Mr. Porter stated the question of visibility should not be the issue.

Mr. Jeff Flannery, another resident of the group, invited the Board members to tour the entire general area and expressed continuing concern of mobile home placement causing decreased property values. Mr. Flannery referred to previous legislation (1972) which suggested the front setback be 500 feet. Mr. Block explained there was no setback previously and explained the old legislation in this regard.

Asst. Director Newton, speaking on behalf of the Planning Commission subcommittee (Technical Committee) stated that in all fairness to the applicant, the Technical Committee

would not have any firm action recommedation within the statutory time limitation requirement.

Mr. Nevel inquired if there were mobile homes in the area prior to Mr. Warner's purchase or placement of his home. Mr. Warner responded that "Yes, there were" and that it was a mistake on his part.

Mr. Reiser, another resident of the homeowners group, stated the group is seeking to restrict the area.

Chairman Pro Tem Ryan inquired how far the residents were from the subject site. Mr. Warner, on behalf of the group, stated the group lives approximately one mile away.

Counselor Wilson noted the criteria for the granting of a conditional use permit, and the consideration of existing and planned uses for an area, and the conditional use compatibility with existing area uses.

Mr. Houston moved that the Board grant the conditional use permit for a 8.299 acre site located on Dale Williamson Road, off of Ky. 536 Hathaway Road based on the regulations as they currently exist. The motion was seconded by Mr. Nevel. After discussion, the motion carried unanimously.

Conditional Use Permit

The request of Robert E. Wesdorp for a Conditional Use Permit for an approximate 115 acre tract located at the corner of Camp Ernst Road and Camp Ernst Lane, currently zoned Agriculture, A-1. The purpose of the request is to permit the construction of and operation of a boarding stable and training ring on this property.

Staff member Chip Block presented a slide presentation and the staff report which stated the submitted plan shows the cosntruction for a barn for stable with a training ring nearby with entrance and exist drives to be provided for one-way traffice along with a 150 foot by 100 foot parking area (20 to 30 parking spaces). Mr. Block noted the adjoining property to the north, across Gunpowder Creek, is currently used for the Y.M.C.A. Camp Ernst while the south and west is agricultural use and to the east is residential and agricultural use. Mr. Block stated the Boone County Comprehensive Plan indicates a planned future land use of Recreation in the floodplain area and adjoining areas of Gunpowder Creek and the outside of the subject land area planned for Agricultural use. Mr. Block referred the Board to Section 613 of the Zoning Regulations regarding qualifications for review of a Conditional Use Permit in the A-1 zone.

Mr. Bennet Wesdorp, noted his father, brother and himself as present and available for Board questions.

Mr. Nevel inquired if the drawing notations indicated plots. Mr. Wesdorp stated the square indications were anticipated horse stall locations.

Mr. Nevel moved that the Board approve the Conditional Use Permit for property located at the southwest corner of Camp Ernst Road and Camp Ernst Lane. The motion was seconded by Mr. Houston. After discussion, the motion carried unanimously.

Sign Variance

The request of the American Sign Service for Burlington Pentecostal Church for a variance for a one (1) acre tract located at 41 West Torried, currenlty zoned Suburban Residential Two/Small Community Overlay, SR-2/SC. This request is to permit a 32 square foot sign instead of the maximum permitted 16 square foot sign.

Staff member Chip Block presented a slide presentation and a staff report which presented a review of Sect. 244 on the standards for variances and in which Mr. Block stated in review of the site and proposed signage he could not find any specific conditions in detail that are unique to the site. Mr. Block also noted there have been no recent changes in the area or to the subject property that would requrie the need for the variance. Mr. Block also noted the essential character of the neighborhood would not be altered since the Small Community Overlay zone would allow a variety of uses wiht varying sign sizes permitted.

Mr. Tom Weikel, American Sign Service, explained the proposed signage in that the actual copy area would only be 2'x8' with the remainder of the 32 square foot area being used for the announcement of church activities.

Mr. Rick Zurick, representing the Burlingotn Pentecostal Church, explained the need for the larger sign is that Torrid Street is a street that is basically not use much and from the closest primary street a smaller sign would not be visible.

There was no other audience support or opposition expressed.

Counselor Wilson asked if all residential properties are to the rear of the sign area. Mr. Block responded that the closest home would be the mobile home at least 200 feet away. Mr. Weikel, American Sign Service, also noted that the back of the sign visible from that property would be neutral color so as to blend into the environ.

Mr. Nevel moved that the Board approve the sign variance request for the Burlington Pentecostal Church located at 41 West

Torrid Street in Burlington, Kentucky. The motion was seconded by Mr. Houston. After disussion, the motion carried unanimously.

Administration

Counselor Wilson advised the a brief had been prepared for submission in the pending litigation involving the Loomis property.

Mr. Nevel moved that the Minutes of the Board of Adjustment Meeting of May 8, 1985 be approved as reviewed. The motion was seconded by Mr. Houston. After discussion, the motion carried unanimously.

Mr. Houston moved the meeting adjourn. The motion was seconded by Mr. Nevel. The motion carried unanimously.

The meeting adjourned.

Attest: