

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

OR:  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: Robert Sturgeon  Owner  Agent

Address: 1969 Alexandria Rd.  
Crittenden, Ky. Telephone: 485-4930

Location: Corner of Hwy. 16 + 491 Verona, Ky.

Name of Owner: Robert Sturgeon

Address of Owner: 1969 Alexandria Rd. Crittenden, Ky.

Zone: SR-1/SC Area in Acres: 230' X 125' X 200' X 110'

Deed Book: 301 Page No.: 142 Group No.: 2088

Description of Request: Conditional Use Permit for used car dealer

Owner's Signature: Robert Sturgeon

Date 7-5-83 Applicant's Signature: Robert Sturgeon

FOR PLANNING COMMISSION USE:

Application date and fee of \$ 266.00 Received: 7/11/83

Referred to: Boone Co. Board of Adj. For Meeting Date: 7-20-83

Action: \_\_\_\_\_ Date: \_\_\_\_\_

Meeting Date: July 20, 1983

BOARD OF ADJUSTMENT AND ZONING APPEALS

CHECKLIST

I. General Information

1. Applicant's name: ROBERT STURGEON

Interest in property: OWNER

2. Location and/or address of property: CORNER OF Ky. 16 AND  
Ky 491, VERONA, BOONE COUNTY, KENTUCKY.

Deed book and page number: BOOK: 301 PAGE: 1 GROUP: 2088

3. Request of the applicant: FOR A CONDITIONAL USE PERMIT  
TO OPERATE A USED CAR LOT.

4. Present zoning of subject property including page number and  
section number(s) of the Zoning Order (Ordinance): PRESENTLY  
ZONED SR-1/SC BEING PAGES 8-4 AND 5 AND 16-1 AND 2

5. Present use of the subject property: UNDEVELOPED

Present use of the adjoining properties: MIXTURE OF  
RESIDENTIAL AND COMMERCIAL ADJOINS THIS PROPERTY.

## II. Conditional Use Requests

1. Zoning of the adjoining properties: ALL PROPERTIES ARE  
SR-1/SC AS SUBJECT TRACT
2. Future land use of the subject property and adjoining properties according to the Comprehensive Plan: COMMERCIAL LAND USE  
IS PLANNED ON SUBJECT SIDE OF KY. 16 WITH LOW  
DENSITY RESIDENTIAL ACROSS THE ROAD.
3. Was a site plan submitted, and if it was, does it conform to the zoning regulations? A PLAN, NOT DRAWN BY A SURVEYOR,  
WAS SUBMITTED WITH NO DIMENSIONS OF YARDS.
4. What, if any, conditions are recommended if the conditional use is granted? WITH RESIDENTIAL USE ADJOINING SOME  
SCREEN OR LANDSCAPING SHOULD BE PROVIDED. ALSO A  
MORE DETAILED SITE PLAN SHOWING SURFACING, YARD  
DIMENSIONS SHOULD ALSO BE SHOWN.
5. What, if any, special characteristics of the request and/or site should be noted? NONE AT ~~THE~~ THIS REQUEST  
REPORT BUT WITH FURTHER INSPECTION SOME MAY  
BE NOTED AT THE MEETING.

I OLEENE DAVENPORT SCOTT

HAROLD DONOVAN

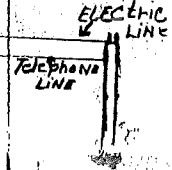
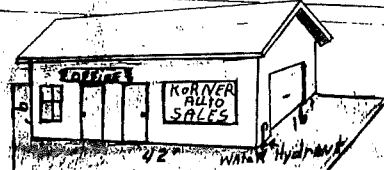
JAMES WALLEN

KY-16 TO GLENCOE →

2" PIPE

IRON PIN  
IRON PIN

septic TANK



N 40° - 26' - 26" E - 334.02'

49.52'

IRON PIN

DRIVE WAY

84.50'

IRON PIN

CAR Display AREA

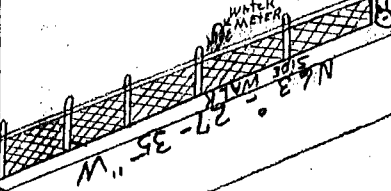
100'

DRIVE WAY

59' W 206 90'

S 41° - 08 -

20'



KY-491

SCALE:  
DATE:

APPROVED BY

DRAWN BY

BOONE COUNTY BOARD OF ADJUSTMENT

MINUTES

JULY 20, 1983

7:00 P.M.

Vice Chairman Archambault called the meeting to order at 7:00 P.M. Four members were present; Mr. Walt Ryan was absent. Staff members present were: Ms. Sullivan, Mr. Wilson, Mr. Block and Mrs. Ryan. Mrs. Ryan read the minutes of the meeting of June 8, 1983. Mr. Nevel moved to accept the minutes, Vice Chairman Archambault seconded. The vote to approve the minutes was unanimous.


Vice Chairman Archambault proceeded with the request of Terry M. Glenkler for a Variance request of a 40' radius setback from the center of the circle for the building setback for two lots (125 & 126) to be used for a single residence on a parcel of land located at Aeronca Place, Hebron, Kentucky, in a Suburban Residential One (SR-1) Zoning District. Mr. Block presented the Enforcement Officer's Report. Vice Chairman Archambault asked if anyone were present in support of the request. Mr. Glenkler stepped forward with pictures of the area, and stated that the road had not changed and that he would like to build a house on this property. Members of the Board reviewed the pictures and the subdivision plat which had been signed by John W. Liver on August 25, 1979. Discussion followed. In response to Mr. Wilson, Mr. Block noted that Mr. Glenkler wanted to build the house in the right-of-way. Mr. Wilson replied that as this was a dedicated paper street the radius of the street would have to be reduced. He pointed out that the Board did not have that authority. Mr. Glenkler restated his request for a setback Variance to 0'. Mr. Block asked Mr. Glenkler if part of the reason for the request for a 0' Variance were due to a topographical feature on the site that would prevent building at a 30' setback. Mr. Glenkler replied that the property "dropped off". Mr. Block asked if Mr. Glenkler were to be required to maintain a setback of 30' or 25' if he would be able to build on the site. Mr. Glenkler replied that he did not want to build on the slope; he noted that with a 0' setback the house would be no more than 10' or 15' from the slope in the back of the house. Vice Chairman Archambault asked the members of the Board if there were any further questions. Mr. Nevel asked if the subdivision plat was on record. Mr. Block replied affirmatively and noted that some of the lots were owned by the Greater Cincinnati Airport. In response to Vice Chairman Archambault, Mr. Block stated that a dimensional variance in the front yard of 0' to the front property boundary line, the right-of-way at that part of 60' radius circle could be granted, or the Board could require a 5' front yard. Mr. Whitton asked Mr. Glenkler if he could build at 5'. Mr. Glenkler replied yes, but that he would still be pushed back. Mr. Nevel made a motion to grant the 0' front yard variance; Mr. Houston seconded. The vote carried unanimously. Mr. Wilson advised Mr. Glenkler to build the house off of the right-of-way.

Vice Chairman Archambault proceeded to the request of Robert Sturgeon for a Conditional Use Permit to allow a used car lot on a parcel of land located at the corner of Highway 16 and 491, Verona, Boone County, Kentucky, in a Suburban Residential One/Small Community Overlay (SR-1/SC) Zoning District. Mr. Block presented the Enforcement Officer's Report. In response to Vice Chairman Archambault, Mr. Sturgeon replied that Mr. Justice had drawn the site plan and that he was a licensed surveyor. Mr. Block stated that the perimeter had been surveyed by Mr. Joe Justice but that the remainder of the site plan had been drawn by a relative. Mr. Block also pointed out that the site plan did not contain the dimensional setbacks of the proposed use. Vice Chairman Archambault asked if the site plan were acceptable. Mr. Block replied that it was acceptable to him if the dimensions were supplied on the site plan. Mr. Block asked what type of surfacing the car display area would have and how many cars were anticipated. Mr. Sturgeon replied that the surface would be gravel and hold 8-12 cars. Mr. Block pointed out to Mr. Sturgeon that according to the zoning regulations, circulation and driveway areas to be utilized had to have hard surfaces either portland cement or concrete cement. Mr. Block asked if there were an existing driveway. Mr. Sturgeon replied yes, that fencing crossed that part of site facing 491. Mr. Block and Mr. Whitton asked about the plans for fencing the site. Mr. Sturgeon replied there were no plans at the present except as indicated on the site plan, and a chain link fence between his and Mrs. Scott's property. Vice Chairman Archambault asked what kind of lighting for night Mr. Sturgeon planned to use. Mr. Sturgeon replied that he planned to use the street lighting and flood lights on the building. Vice Chairman Archambault asked if the light would extend onto neighboring property to disturb them in any way. Mr. Sturgeon replied that he did think the neighbors would be disturbed. Mr. Block asked if the fence would follow the property line. Mr. Sturgeon replied that the fence would be eleven feet (11') from the property line and noted that Mrs. Scott has been using part of the area as a driveway. Mr. Sturgeon in response to Mr. Whitton's question replied that he would use flood lights unless other lighting was required. Mrs. Scott's daughter, Mrs. Searcy, stepped forward to represent Mrs. Scott's viewpoints regarding the car lot. Mrs. Searcy pointed out to the Board Members the location of the site and the residences in the immediate area. Mr. Nunn stated he was concerned that placing a fence along this property line would block his driveway. Mr. Sturgeon pointed out where the fence would be and stated that it would not block his driveway; he said there would be no cars in that area. Mr. Whitton noted that Mr. Ryan, representative from the area, had been unable to attend the meeting, and continued that his input would be valuable. In response to Vice Chairman Archambault, Mr. Sturgeon replied that action needed to be taken on this request immediately as he has already taken out insurance coverage and had a meeting the first of August in Frankfort in order to obtain his permit. Vice Chairman Archambault stated that he would like to consult with Mr. Walt Ryan and would like to see the site before he took any action on the request.

Vice Chairman Archambault, with the agreement of the Board, stated that he would like to set a meeting on the site in order to reach a decision on the request. Mr. Sturgeon, Mr. Anthony Frohlich, Attorney, as well as the adjoining property owners in opposition, requested to be notified of the meeting. Mr. Anthony Frohlich, representing Mr. Sturgeon, stated that since his client needed the permit signed the first week of August in order to attend a meeting in Frankfort to obtain his license that time was a factor. Mr. Frohlich pointed out that the area around the proposed car lot is used for a dairy queen, a body shop, a grocery store on one corner and a hardware store and wood store on the other corner. He noted that this was the only intersection going through Verona and pointed out that the request was consistent with the Comprehensive Land Use. Mr. Frohlich asked the Board to consider the time factor, and promised that his client would meet any conditions set by the Board. Mr. Block stated that since the request had been received July 11, 1983 as a full and complete application, the Board would have to take action for a Conditional Use Permit within 60 days of filing time, no later than September 9, 1983. Mr. Wilson stated that the Board could adjourn this meeting to a meeting at the site and make the decision there. Mr. Whitton moved to table the matter and adjourn the meeting to reconvene at Verona on the site at a meeting which Mr. Ryan could attend. Mr. Nevel seconded. The motion carried unanimously. Vice Chairman Archambault stated that Mr. Sturgeon would be contacted regarding the time and date of the meeting. The meeting adjourned at 7:50 P.M.

Mr. Dan Houston was sworn in as a new member of the Boone County Board of Adjustment by Attorney Dale Wilson.

RESPECTFULLY SUBMITTED

  
\_\_\_\_\_  
CLERK

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
VICE CHAIRMAN

BOONE COUNTY BOARD OF ADJUSTMENT

MINUTES

JULY 23, 1983

10:00 A.M.

Vice Chairman Archambault reconvened the Boone County Board of Adjustment Meeting of July 20, 1983 at 10:00 A.M. on July 23, 1983 at a site located at the intersection of Highways 16 and 491 in Verona, Kentucky. Present were Messers. Archambault, Whitton, Nevil and Ryan. Staff members present were Mr. Wilson and Ms. Sullivan.

The purpose of the meeting was a site visit for further consideration of the request of Mr. Robert Sturgeon, 1969 Alexandria Road, Crittenden, Kentucky, for a Conditional Use Permit to operate a used car dealership on a lot containing 0.5604 acres zoned Suburban Residential One/Small Community Overlay (SR-1/SC), located at the intersection of Highways 16 and 491.

Mrs. Merilyn Searcy, Box 12, Verona, Kentucky, indicated to the Board the location of her driveway which borders eastside of the site. She indicated her concern that construction of the fence proposed by Mr. Sturgeon along the property line would interfere with her use of her driveway, and create a hazard for traffic turning in, or pulling out onto 491.

Vice Chairman Archambault indicated the location of an iron pin which had been placed by Mr. David Walton, Surveyor, at the boundary of the properties. In response to a question, Mr. Sturgeon said that he would not move, cut or damage any trees on the site. He indicated that he would use only a security light on a pole in the middle of the lot, with the beam deflected so as not to shine into nearby homes. He said that only the security light would burn all night.

In order to permit use of Mrs. Scott's driveway, Mr. Sturgeon agreed to his fence nine (9) foot from the property line between the site and the property owned by Mrs. Iolene Scott on Highway 491, behind the state right-of-way, and to extend it in a straight line back to the corner of the existing building on the site.

Mr. Jim Nunn, owner of the property south of the site, stated his intention to question the accuracy of Mr. Sturgeon's survey. He expressed concern that his view of the road would be obstructed if any perimeter landscaping were required, and stated his preference for a plain fence between the properties.

To accommodate Mr. Nunn and to permit ease in access to his property, Mr. Sturgeon agreed to begin his fence (42 inch high hurricane type) four (4) feet southwest of the peg marking the boundary between the site and Mr. Nunn's property, and further,

agreed to run his fence inside the mature treeline along the Nunn's property line. Mr. Sturgeon further agreed that the fence would be setback to the east of the right-of-way. After discussion with the Board Members, Mr. Sturgeon and his Attorney, Mr. Anthony Frohlich, agreed that development and/or display on the site would maintain a 34 foot setback as it fronts on Ky. 16. and Ky. 491.

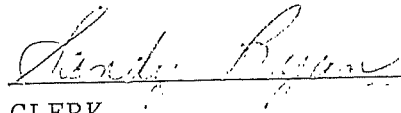
After further discussion, Mr. Walt Ryan moved to approve the request based on the following conditions:

- 1) That no sales or operations be conducted on the site on Sundays,
- 2) That sales and operations be conducted on weekdays and Saturdays during daylight hours,
- 3) That no automobile service or maintenance work excepting car washing be conducted on the site,
- 4) That no banner signs or string lights be utilized,
- 5) That all signs advertising the operation conform to Article 19 of the Boone County Zoning Ordinance,
- 6) That a Site Plan in accord with Section 1402 be submitted illustrating the phases in which Mr. Sturgeon plans to expand the existing hard surfaced area to the 100 X 100 size indicated on his plan,
- 7) That a 48 inch hurricane fence be constructed between the site and the Nunn and Scott properties,
- 8) That the Site Plan indicate additional runoff generated as well as show measures taken to accommodate runoff resulting from paving the display area,
- 9) That no more than twenty cars (20) will be stored and/or displayed for sale on the site without resubmission to and approval to this Board,
- 10) That paving the first phase be completed by September 15, 1983,
- 11) That a 34 foot setback be maintained along Ky. 16 and 491.

Page Three  
Boone County Board of Adjustment  
July 23, 1983

Mr. Nevel seconded the motion; the vote to approve subject to the conditions noted above was unanimous. The meeting adjourned at 10:50 A.M.

RESPECTFULLY SUBMITTED

  
\_\_\_\_\_  
CLERK

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
VICE CHAIRMAN