

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: Carl Gene Mullins & Gwen Siobhan Mullins  Owner  Purchasers  
 Agent  
 Address: 3005 Westwood Northern # 5 Cincinnati, Ohio 45211  
 Telephone: 721-0300 ext. 248 Office  
(513) 481-9109 Home

Location: Skyline Drive (off Boat Dock Rd.) Big Bone, Ky. 41091

Name of Property Owner: Tim Hanifin

Address of Property Owner: 1701 Scott St. Covington, Ky. 41015

Zoning District: A-1 Area in Acres: 5.26

Deed Book: 242 Page Number: 90 Group Number: 2066

Description of Request: Conditional use permit for mobile home to be occupied as residence during construction of permanent residence.

Applicant's Signature: *Carl G. Mullins*

Property Owner's Signature: *Timothy Hanifin*

FOR PLANNING COMMISSION USE ONLY

Application Fee: \_\_\_\_\_ Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

Staff Report

APPLICANT: Carl & Gwen Mullins  
LOCATION: Skyline Drive (off Boat Dock Road) near  
Big Bone, Boone County, KY.  
ZONED: Agriculture One, A-1  
DATE: July 9, 1986

REMARKS:

The applicant is requesting a Conditional Use Permit to bring an existing mobile home into compliance with the zoning regulations. The home is on a 5.26 acre tract located off a private road (Skyline Drive) which runs west off Boat Dock Road, approximately one half mile south of Beaver Road (KY 338). A mobile home is permitted as a conditional use under Article 6, Section 613 of the Boone County Zoning Regulations.

On February 20, 1986, the owner of the mobile home and the property, Tim Hanifin of Covington, was cited by Ralph Hopper and ordered to either obtain the permit or remove the home. Since he had found a job that made living at the home impractical. Mr. Hanifin decided to remove the home. Scheduling and weather difficulties delayed the mobile home movers. During this delay, Mr. Hanifin listed his property for sale. The applicants have agreed to purchase the property on the condition that they could use the mobile home as a temporary residence during the construction period of their permanent home.

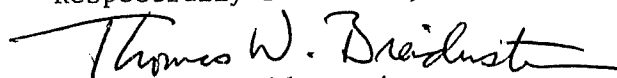
All adjacent properties are zoned Agriculture One, A-1 and are used for mobile and permanent homes. The 1980 Boone County Comprehensive Plan Land Use map sows the property to be environmentally sensitive due to its steep slope. The proposed 1986 Boone County Comprehensive Plan Land Use map shows the property as Low Density Residential which allows up to three dwelling units per acre.

The following reviews the standards which the Board must consider before granting a Conditional Use Permit:

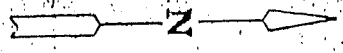
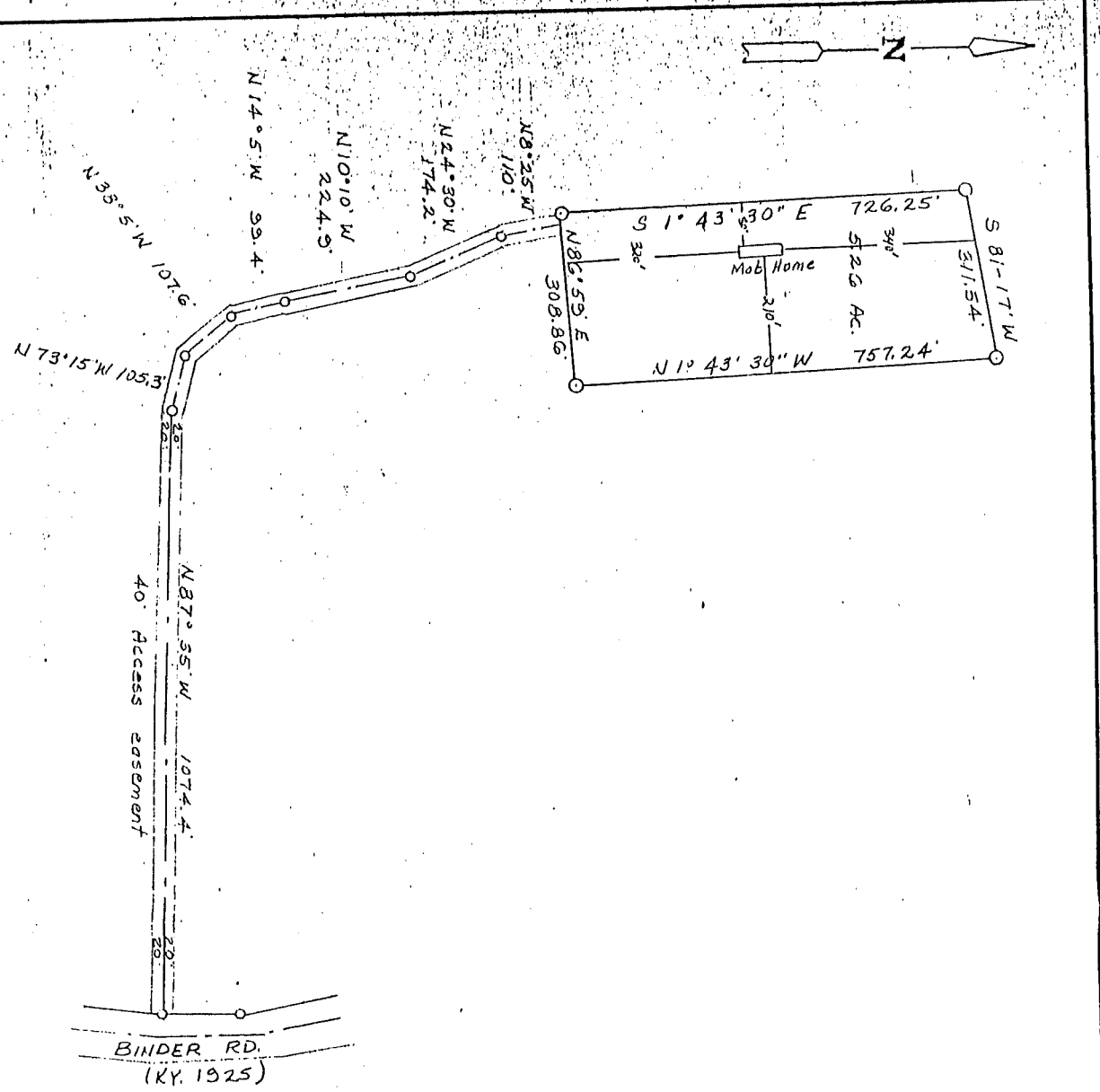
1. The mobile home will be an integral part of the agricultural use of the land and is not of scale, nature, or other character which will detract from the principal purpose of the district.
2. The arrangement of the home will be mutually compatible with the organization of permitted uses in the district.

Should the Board agree to approve this request, staff recommends that the applicant be asked by the Board to agree to remove the mobile home after completion of a permanent structure.

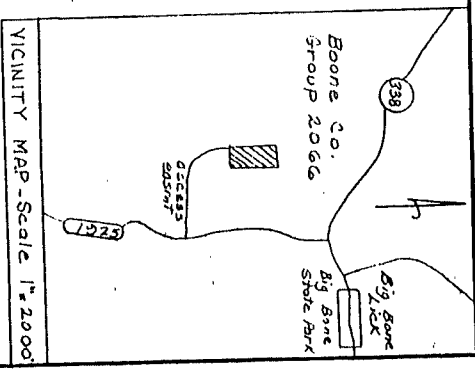
Respectfully submitted,



Thomas W. Breidenstein  
Zoning Enforcement Officer



Plot Plan of 5.26 Acres parcel, 40' width access easement & mobile home for Tim Hanifan et al  
 SCALE: 1" = 200'  
 DATE: 3-5-86  
 APPROVED BY: FB.125/14117 (Back)  
 DRAWN BY: I.B.  
 REVISIONS:  
 1700' ± NW of KY Hwy. 1925, near Big Bone Lick  
 Walton & Walton — Civil Engineers — Surveyors  
 Burlington, KY 41005 • Phone 586-6017  
 DRAWING NUMBER





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OFFICE OF ZONING

CITY

DATE

RECORD

1986

NOTICE OF VIOLATION

NOTICE OF VIOLATION

Name Tim Hoad, A/N

Street 1701 SE 115TH

City Covington Zip Code 41011

Location of Violation End of block at

Love of Boat Dock Rd

Article 6 Section 1 Date 2/20/86

Description Placement of mobile

home on property without a

conditional use permit - permit

must be obtained to comply.

Failure to comply within 17 days from

the above date will result in possible

legal action, including fines up to

\$500.00 for each day the violation

continues.

Zoning Officer Ralph [Signature]

I hereby acknowledge receiving this

notice Tim Hoad

Zoning Administrator's Office  
2950 Washington Street  
P.O. Box 697  
Burlington, Kentucky 41005  
334-2196

BOONE COUNTY BOARD OF ADJUSTMENT

JULY 9, 1986

6:30 P.M.

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Vice-Chairman I. A. Archambault called the meeting to order. Roll call was taken by Director Gerald Newton. 4 members present. Absent: Chairman Whitton. Staff members Messrs: Newton and Breidenstein were present. Atty. Ray Vincent was also present.

Minutes of the June 11, 1986 Boone County Board of Adjustment were considered. Mr. Nevel noted on the first page it stated he seconded a motion. Mr. Nevel stated he was absent at that meeting. Mr. Nevel noted the June 11, 1986 Boone Board of Adjustment meeting Minutes be approved as corrected. The motion was seconded by Mr. Ryan. After further discussion, the motion carried unanimously.

Mr. Archambault proceeded to the items on the agenda.

Conditional Use Permit

A request of Carl and Gwen Mullins for a Conditional Use Permit to legalize an existing mobile home located off Boat Dock Road, approximately one-half mile south of Beaver Road. The site is zoned Agriculture One, A-1.

Staff member Tom Breidenstein presented a slide presentation of the proposed site and surrounding area. Mr. Breidenstein also presented the Staff Report. (See Staff Report)

Mr. Mike Herman inquired if the name of the road (Boat Dock Road) was the correct location for the mobile home placement. Mr. Herman continued to say that he and Mr. Hendricks (neighbor) had built the road themselves and the road was unnamed. Mr. Herman stated the road was the road that Mr. Hannifan (owner of the mobile homes) had originally pulled his mobile home onto. Mr. Herman noted it was the manner that the mobile home had been pulled onto the site that disturbed the adjoining property owners. Atty. Ray Vincent responded to the concern and stated that an agreement concerning the road construction or improvements to the road would have to be between the individual and was not a part of the Board of Adjustment review.

Mrs. Gwen Mullins stated they had no intention of further disturbing the road and noted that they would like to be good neighbors. Mrs. Mullins then inquired if they would be able to keep the mobile home on the site after the house was built. Director Gerald Newton clarified that under the A-1 zoning there was an acreage to dwelling unit ratio. Mr. Newton

further clarified because the site was only a 5.26 acre tract only one (1) dwelling unit would be permitted on the site.

Mrs. Mullins inquired when the road could be dedicated. Mr. Newton explained the dedication procedure and noted the dedication was not part of the current review.

Mr. Ryan inquired when the house would be completed. Mrs. Mullins stated approximately three (3) months construction.

Mr. Ryan moved to approve the request of Carl and Gwen Mullins for a Conditional Use Permit to legalize an existing mobile home located off Boat Dock Road located approximately one-half mile south of Beaver Road with the conditions that the mobile home be permitted on the site for up to 18 months at which time the mobile home would be removed in a proper fashion off of the site without damaging the road. The motion was seconded by Mr. Nevel. After further discussion, the motion carried unanimously.

#### Conditional Use Permit

A request of Sedric Scott for a Conditional Use Permit to allow a garage/service station on a 7.6 acre tract on old KY 18, just west of Flick's IGA. The site is zoned Commercial Two, C-2.

Staff member Tom Breidenstein presented the history of the garage/service station in the Florence area when it had been operated by Mr. Davis. Mr. Breidenstein noted the problems the site previously had under Mr. Davis and the problems that were continuing to occur at the site presently. Mr. Breidenstein presented a slide presentation of the proposed site and the surrounding areas. Mr. Breidenstein also presented the Staff Report. (See Staff Report)

Mr. Breidenstein indicated that an informal Site Plan had been drawn up and reviewed by himself which primarily indicated screening from adjoining property owners. Mr. Breidenstein concluded by suggesting that a formal Site Plan should be submitted to the Boone County Planning Commission if the Boone Board of Adjustment granted approval for the proposed request.

Mr. Scott (applicant) explained he would like the Conditional Use Permit at the site and further explained that he would limit the number of towing trucks and disabled vehicles at the Florence site to what had previously been set as a limit for the site. Mr. Scott insured the Board that should a Conditional Use Permit be granted the new site would not become a junk yard.

Mr. Paul Genever (adjoining property owner) stated that he had met with Mr. Ammon and Mr. Scott and was happy that screening would be provided, nevertheless, was concerned over

grading and drainage, time of activity on the site, possibility of fuel, and also increased traffic.

Dr. Ferd Metsger stated he was in favour of granting the Conditional Use Permit and inquired if the Board could impose conditions to the Florence property that the activity would be removed for that site. Dr. Metsger also added that according to page B-15 of the 1986 Comprehensive Plan the particular area had been targeted for the proposed type of commercial development.

Mr. Norbert Vader, resident of Kathryn Avenue, Florence stated he would like to see the business moved entirely out of Florence. Mr. Ryan responded that the Board could only impose conditions for the site under review within their jurisdiction.

Mr. Genever inquired if the Conditional Use Permit could restrict the type of development on the site. Mr. Newton responded that the Conditional Use Permit would restrict development on the back portion of the property where the activity was proposed depending on the conditions imposed and acted upon by the applicant.

Mr. Ryan moved to approve the request of Sedric Scott for a Conditional Use Permit to allow a garage/service station on a 7.6 acre tract located on Old KY 18, just west of Flick's IGA with the conditions that the Conditional Use Permit apply only to the business operated by Mr. Scott specifically the towing business and in that a formal Site Plan would be submitted to the Boone County Planning Commission at some time in the future as is deemed reasonable. The motion was seconded by Mr. Ryan.

Further discussion was raised by Ron Robinson and he inquired of Atty. Vincent if the motion could also include the stipulation that the business located on the corner of Kathryn Avenue and KY 18 be closed. Atty. Vincent stated that the Board was only empowered to make decisions for properties located in the unincorporated Boone County.

The motion carried unanimously.

#### Administration

Director Gerald Newton discussed a Conditional Use Permit granted the previous month to Terry Mahan for placement of a mobile home in an A-1 zone. Mr. Ryan inquired whether a Conditional Use Permit was even necessary if the State's Agricultural exemption was invoked. Mr. Newton noted the situation had been examined by Mr. Breidenstein and himself and it was found that a Conditional Use Permit was not needed, nevertheless, should have been sought. Mr. Newton stated, however, because Mr. Mahan wanted to use the State exemption,

staff was requesting to the Board that his Conditional Use Permit be revoked and his one hundred and sixty-five dollars be refunded. Mr. Newton noted a letter from Mr. Mahan was in agreement with this action.

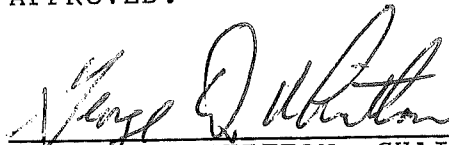
After further discussion, Mr. Houston moved the Conditional Use Permit be revoked and the one hundred and sixty-five dollars be refunded. The motion was seconded by Mr. Nevel. The motion carried unanimously.

Mr. Newton explained that KRS 100 had been revised and would become effective July 15, 1986. Mr. Newton noted part of the revisions had changed i.e. the Agricultural exemption for placement of one (1) mobile home on a farm. Mr. Newton requested the legal counsel to submit an Attorney General opinion relative to interpretation of the new statute and noted the Board would be advised of the reply at the next meeting.

Hearing no further questions or comments, Mr. Archambault moved the meeting adjourn. The motion was seconded by Mr. Ryan. After further discussion, the motion carried unanimously.

The meeting adjourned.

APPROVED:



GEORGE D. WHITTON, CHAIRMAN

ATTEST:



DEE ANN BREWER, ADMINISTRATIVE ASST.