

REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use
- 3. Applicant's Name William & Kim Anglin
Phone Number (606) 371-0900
Applicant's Address 11845 Old Lexington Pike
Walton KY 41094
City State Zip
- 4. Description of Request: To place mobile home on
Property previously occupied by old R.V.
- 5. Name of Development N/A
- 6. Location of Development 11845 Old Lexington Pike
Walton, KY 41094
- 7. Acreage Under Review ? 0.69 ac
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Kensington Land and Improvements Company's Subdivision
- 9. Owner of Property Paul & Mary Anglin
Phone Number (606) 485-7309
- 10. Address of Property Owner 11845 Old Lexington Pike
Walton KY 41094
City State Zip
- 11. Proposed Use(s) On Site Mobile home to live in.
- 12. Total Square Footage of Existing and/or Proposed Buildings
14 x 72 Mobile Home
- 13. Current Zoning on Property 1-1
- 14. Deed Book 1 Page No. 316 Group No. 2073
- 15. Is the site subject to a zone change? ?
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. Applicant's Signature: William Anglin
- 19. Property Owner's Signature: Paul Anglin

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 8-16-90
2. Fee Received \$ 226.00 R 9763
3. Is application complete? Yes No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action:

Approval

Approved With Conditions (See #7)

Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

STAFF REPORT

#6

REQUEST: Change in Non-Conforming Use
APPLICANT: William & Kim Anglin
LOCATION: 11845 Old Lexington Pike
ZONING: Industrial One (I-1)
DATE: September 12, 1990

REMARKS:

The applicant is requesting a change in a Non-Conforming Use to allow the replacement of an existing Recreational Vehicle with a mobile home. The 0.69 acre site, located on the western side of Old Lexington Pike, is zoned Industrial One (I-1) and is owned by Paul and May Anglin.

Both the 1980 and 1985 aerial photographs indicate the RV (bus) in its present location. According to the owner of the property, Mr. Paul Anglin, the bus has been at its location since 1970. Mr. Anglin stated that it has been approximately 10 to 15 years since the bus had been occupied as a living unit. This site is located in an area that is not zoned for mobile homes. In fact, the zoning of Industrial, does not permit any construction of residential type uses.

The 1990 Boone County Comprehensive Plan Land Use Map indicates this area to be Industrial. The Land Use Element of the Comprehensive Plan makes the following reference to the area:

"The industrial development should primarily occur on the east side of U.S. 25, and south of the existing commercial area and along Old Lexington Pike."

Article Two, Section 284 of the Boone County Zoning Regulations states, in part,

"The Board shall not permit such a change unless the new non-conforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing non-conforming use.

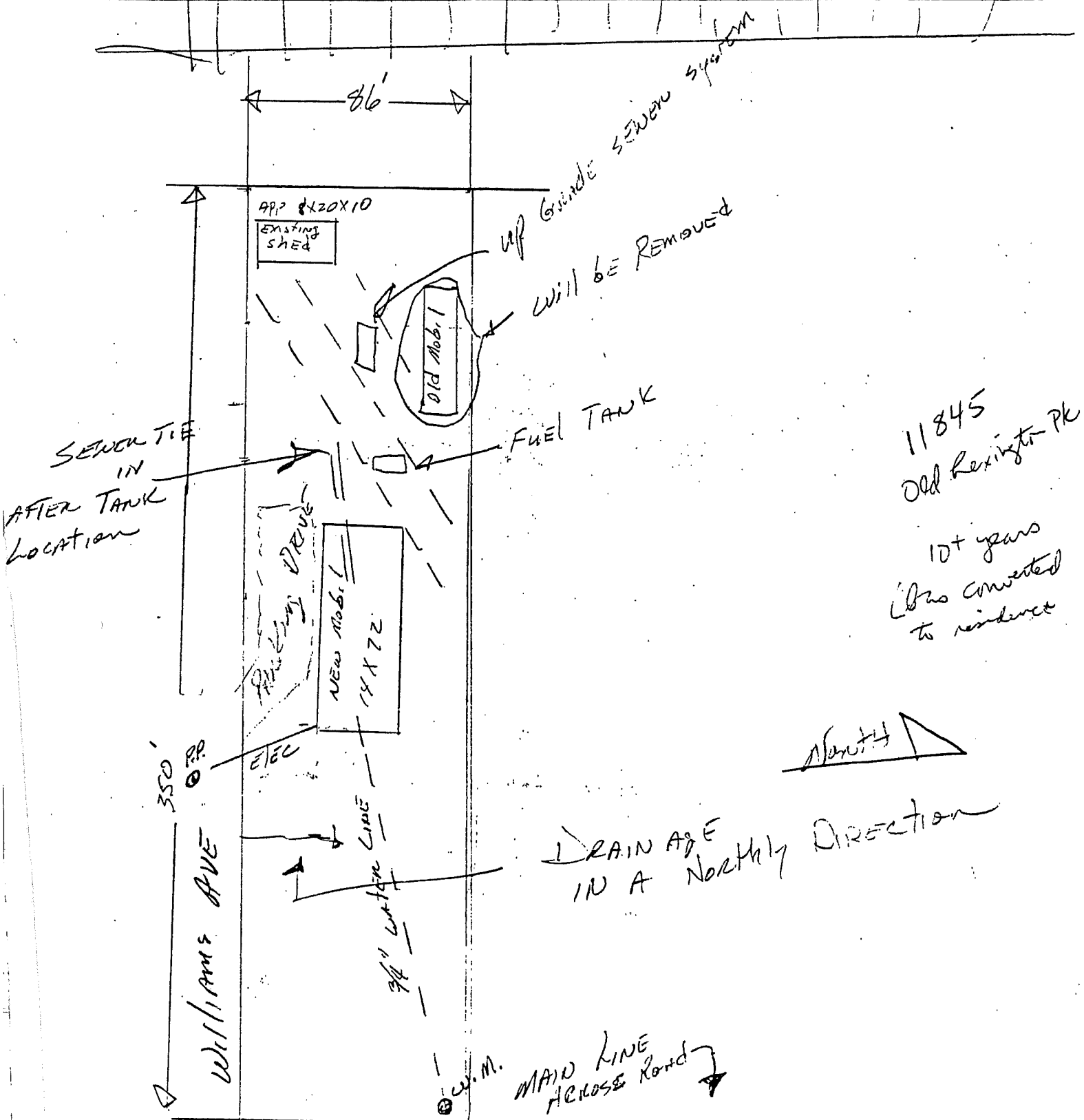
The Board shall not allow any changed non-conforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original non-conforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this order."

Respectfully submitted,


J. Gregory Tuttle
Plans Examiner / Planner I

JGT:kat

Down Road Track



11845
Old Lexington Pk
10+ years
has converted
to residence

North

DRAINAGE
IN A NORTHLY DIRECTION

W.M. MAIN LINE
ACROSS ROAD

Coupling - Lexington Turnpike

BOONE COUNTY BOARD OF ADJUSTMENT
BUSINESS MEETING

September 12, 1990 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault
Mr. Dan Houston
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. Fred Nevel
Mr. Walt Ryan

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Chairman Whitton at 6:30 P.M..

Approval of the Minutes:

Chairman Whitton noted that each Board member had received a copy of the Minutes of the Boone County Board of Adjustment meeting of August 8, 1990 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Archambault moved that they be approved as mailed. Mr. Houston seconded the motion and it carried unanimously.

Agenda Items:

1. The request of the Hebron Lutheran Church for a Conditional Use Permit to allow the construction of an additional parking lot. The 0.51-acre site is located at 3140 Limaburg Road, Hebron, Kentucky. The property is zoned Public Facilities (PF) and is owned by the Hebron Lutheran Church.

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present in favor of the request. Rev. David Shockey and Mr. Jim Ellerton of the church property committee were present.

Mr. Ellerton advised that they are trying to expand the lot on the back side due to the number of cars on Sunday and on special occasions. There will be shrubbery between Mr. Boh's house and the parking lot and between the parking lot and the highway.

Rev. Shockey stated that they try to make the church available to community groups -- scouts, AA, etc., as well as public service groups, and they will also use the parking spots.

Chairman Whitton asked if there was anyone else present in behalf of the request, anyone present in opposition, or anyone having questions. There was no response.

There being no comments from the Board, Mr. Archambault moved that the Conditional Use Permit be granted, subject to Site Plan Review, and that all but the hard costs be waived. Mr. Houston seconded the motion and it carried unanimously.

2. The request of the Richwood Presbyterian Church for a Variance to allow a larger than regulation sign on the property. The 12-acre (approx.) site is located at 1070 Richwood Road, Boone County, Kentucky. The property is zoned Agricultural Estate/Small Community (A-2/SC) and is owned by the Richwood Presbyterian Church.

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present in behalf of the request.

Mr. Dumont Gouch, a member of the financial committee of the Richwood Presbyterian Church, stated that the reason for the sign is to put the name at the side of the church. They do not plan to disturb the existing wall. They will set the sign in concrete.

Chairman Whitton asked if there was anyone else present who wished to speak either for or against the request or if there were any questions. There was no response.

Mr. Houston moved that the requested Variance from 16 square feet to 24 square feet in the size of the free-standing sign be granted. Mr. Archambault seconded the motion and it carried unanimously.

3. The request of Bill and Connie Forbriger for a 20-foot Variance to allow a reduction in the size of the rear setback. The 4.11-acre site is located in the Circleport Business Park #1. The property is zoned Industrial One (I-1) and owned by Bill and Connie Forbriger.

Staff Member, Carol Klemas, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present who wished to speak in behalf of the request.

Mr. Anthony Hoekstra, an architect with Corporex, stated that the Variance is to allow the maximum expansion on the site for Tressa Hair Care Products. This expansion would bring the coverage on the site up to approximately 42%, which is below the covenants of the park and the Zoning Ordinance. The grade in the back drops 30 feet and they are required to put in a 3-hour fire rated masonry wall with no opening in it. They do not have a problem with Staff's request for screening.

Chairman Whitton asked if there was anyone else present in behalf of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Carolyn Raebourn stated that her residence adjoins the site. The drainage backed up in her yard when they built the original building, but it is okay now. She stated that she will be looking out the back of her house at a solid wall.

Mr. Hoekstra stated that the existing tree line will remain. He noted that most of the trees are on Mrs. Raebourn's lot.

Chairman Whitton advised that they are asking for a Variance in regard to where the building will set. They have the right to build the building.

Using a chalkboard drawing, Mr. Hoekstra indicated that the site sits at elevation 891, which is lower than the elevation in the back. The site has a stormwater drainage problem in that all of the land north of Donaldson Road drains across the site into a detention pond on Circleport. There is a headwall in the back of the Tressa Property and a 36" stormwater main. Subsoil water is a problem.

Mrs. Raebourn questioned if the Variance will make the water problem worse. She stated that they built up the site and if her dogs go out back they are in water up to their bellies. She wants the trees put in.

Chairman Whitton questioned the size of the trees.

Mr. Hoekstra stated that they will meet the regulations, but will not put in 10' or 12' trees. He stated that the site was not raised, it was lowered. The original floor elevation was 892.5 and it was lowered to 891. The building pad is at the same elevation as the future building pad.

Mr. Thomas Wallace of Erlanger stated that he owns two lots here. He is concerned about the water draining on his property. He does not care about the buildings, only about the drainage.

Chairman Whitton advised that they will have to meet Site Plan Review and address the water.

Mr. Hoekstra stated that a 50' setback is not normally required unless it is adjacent to residential. In industrial areas, the setback is usually 30 feet. The 50' setback is due to the screening, but the stormwater area is within the 30' setback.

Mrs. Raebourn stated that it is residential and the setback should be 50 feet.

Mr. Tulley stated that the building is on I-1 Zoning, but the adjacent area is zoned SR-1.

Chairman Whitton advised Mr. Wallace that they will be 30 feet away and the retention will be on their own property.

Chairman Whitton questioned the Staff's recommendation in regard to screening. Mr. Tulley advised that they are required to have the 30-foot buffer area and Staff suggests evergreen trees so that there will also be screening in the winter.

Mr. Hoekstra advised that two of the parcels adjacent to Tressa are owned by the Airport and the property directly to the south in the Future Land Use Plan is zoned industrial, this would be to the rear of the property.

Mrs. Raebourn stated that the Airport is making offers to homeowners that they can either take or leave. They will not condemn. She stated that in consideration of what they are offering, she will be staying.

Mr. Houston moved that the 20-foot Variance be granted subject to the condition that reasonable buffer be provided; possibly 6 foot pine trees, but subject to Staff approval. Mr. Archambault seconded the motion and it carried unanimously.

4. The request of Castillo Comapny, Inc. for a Conditional Use Permit to allow the operation of a claims service center facility. The 3.67-acre site is located on the northwest side of Circleport Drive approximately 1500 feet southwest of Olympic Boulevard. The site is zoned Industrial One (I-1) and is owned by Corporex Parks of Kentucky, Inc..

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present in favor of the request.

Mr. Dave Parks of the Castillo Company stated that they are working with State Farm in land acquisition projects. This is a service center project. It is primarily office building, and the claims center is a small part of that. He noted Staff's concern for the buffer area since the plan for Circleport calls for the buffer to be 30 feet. They have no problem with this but did not get it right on the survey. There is no problem with the buffer.

Chairman Whitton asked if there was anyone else present who wished to speak.

Mr. Hoekstra from Corporex stated that immediately south of the site there is a creek running through Rolling Green Acres Subdivision. It takes the storm drainage through Lot #17 and into a headwall at the State Farm site. He stated that he believes the lot is unusable due to the creek and the headwall.

Chairman Whitton asked if they intend to leave the trees at the rear of the site.

Mr. Parks advised that they have no plans to develop back there, but they have to do grading work which might result in the loss of some of the trees. They have no problem with the 30-foot buffer along the residential area. There may be some grading in the buffer zone and trees that are taken out can be replaced. They are still working on the grading plans.

Counselor Wilson commented that there is a 50-foot setback and 30 feet of buffer.

Mr. Archambault moved that the Conditional Use Permit be granted with a 30-foot buffer zone, and subject to Site Plan Review. Mr. Houston seconded the motion and it carried unanimously.

5. The request of Hans Philippo for a Change in Non-Conforming Use in order to operate the Holland Roofing Residential Division and the Park Avenue Limousine Service. The 1.5-acre site is located at the corner of Bullittsville Road and Park Avenue, and is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC) and Suburban Residential One (SR-1).

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present in behalf of the request.

Mr. Jerry Dusing, attorney, introduced Mr. Hans Philippo and Mr. Don Hellman of Hellman Lumber, which previously occupied this site for many years. Mr. Dusing stated that they are asking for a change in Non-Conforming Use from the full-service Hellman Lumber operation which was there until early 1990. It was a full-service building supply and lumber sales operation, having four or five 18-wheelers there on some days. There are now six trucks going in and out with wallboard and lumber. There were also window and door sales out of Building A. They are using the existing facilities. The use is compatible with the surrounding area, which is marked for commercial in the Comprehensive Plan. The activities on the site will include the limousine service with the limousines being parked in one of the buildings. There will be an office person for the operation and there may be someone washing a limousine. There will be the new branch of Holland Roofing, which is currently located off Limaburg Road. The roofing operation has been commercial, but

there is a demand for residential. There will be no outside sales force, but there will be telephone responses to the Yellow Pages ad. The calls will come to the commercial operation on Limaburg Road and from there a salesman will be dispatched. It will be basically reroofing of existing homes. Approximately 90% of the asphalt shingle-type roofing materials will be delivered directly from the distributor to the home site. The subject site will store overflow and scrap and items which can be reused, which may be about 10% of an order. There will be pick-up trucks with ladder holders, tools, nails, etc.. There is a possibility of leasing Building A for retail window and door sales, like Mr. Hellman had, and also the dispatching and parking of a truck.

Mr. Philippo showed the Board a book of pictures of some of the jobs they have done and a list of contractors for whom they work. He submitted a list of jobs done in Boone County in the last few years. The residential and commercial operations are totally different in regard to scheduling manpower. They need to go to another site to have the dispatching of the residential crews away from the commercial. The limousine business will occupy an office with one or two people doing bookkeeping. The limousines will be cleaned in the morning and leave in the afternoon.

Chairman Whitton asked if anyone else wished to speak.

Mrs. Carol Milbourn stated that she lives behind the Hellman property. They were not good neighbors in regard to tying up the street. She noted that the limousine business is already there and it ties up the street. They wash cars outside Building A. She stated that there are no sidewalks and the property behind the Hellman property is residential. She is concerned about the amount of traffic that will be generated. She asked if they would store flammable or toxic materials. She asked if they will put in another gas tank where one was taken out.

Mr. Philippo stated that there will be no toxic materials. He will not put the gas tank back. They will store only the materials leftover from jobs. He stated that the washing of the cars is done in front of the office building. There is a big hole where the gas tank was and they cannot park between the buildings. He wants to make an arrangement where the cars will be washed in the barn but he cannot do this until he owns the building. He does not want the limousines on the street. They will not be stored on the street, they will be stored in the building in the future.

Mr. Archambault asked if they will clean up the buildings.

Mr. Philippo stated that they will put new siding on Building B and work their way around the site in the fall and winter when they are slow.

Mr. Houston questioned if the materials that come back will be stored inside or outside.

Mr. Philippo advised that the materials will be stored inside. There may be some insulation stored under the overhang.

Mr. Houston moved that the request for a change of Non-Conforming Use be granted subject to the condition that they are limited to the lean-to area for outside storage. Mr. Archambault seconded the motion and it carried unanimously.

6. The request of William and Kim Anglin for a Change in Non-Conforming Use to allow the replacement of an existing Recreational Vehicle with a mobile home. The 0.69-acre site, located on the western side of Old Lexington Pike, is zoned Industrial One (I-1) and is owned by Paul and May Anglin.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present in behalf of the request.

Mr. Paul Anglin and Mr. Nelson Rues were present. Mr. Rues stated that he will do the work and is the father-in-law of the applicant.

Chairman Whitton asked if there was anyone living in the bus.

Mr. Anglin stated that there was at one time someone living in the bus, but there is not now. The bus will be removed after the trailer goes in.

Chairman Whitton asked if this would happen simultaneously.

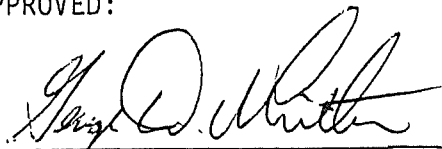
Mr. Anglin stated that when the trailer goes in, the bus will come out.

Mr. Greg Anglin stated that there are five or six trailers on Old Lexington Pike and one is right down the street from them.

Mr. Houston moved that the request for a Change in Non-Conforming Use be granted. Mr. Archambault seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Archambault moved that the meeting be adjourned. Mr. Houston seconded the motion and it carried unanimously.

APPROVED:


George D. Whitton, Chairman

Attest:


Jan Hancock, Recording Secretary