

APPLICATION FORM
**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION**

BOONE COUNTY
PLANNING COMMISSION

APR 30 1993

RECEIVE

(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 TOEBBEN LTD.
Phone Number 371-9000 Fax No. 331-9702
Applicant's Address 2536 HAZELWOOD DRIVE
CRESCENT SPRINGS KY 41017
City State Zip
4. Description of Request: APPEAL OF ZONING ADMINISTRATOR'S
DECISION AS CONTAINED IN THE LETTER OF APRIL 20, 1993
THAT THE APPLICANT'S PROPOSED RESIDENTIAL STRUCTURE
IS A MOBILE HOME RATHER THAN A MODULAR HOME
5. Name of Development N/A
6. Location of Development 2575 RICE PIKE
BOONE COUNTY, KY.
7. Acreage Under Review 3.02
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property N/A
Phone Number of Owner RODNEY S. CAIN, TRUSTEE
356-4306
10. Address of Property Owner 445 BRISTOW RD
INDEPENDENCE KY
City State Zip
11. Proposed Use(s) on Site RESIDENTIAL STRUCTURE
12. Total Square Footage of Existing and/or Proposed Buildings
AS SHOWN ON PLAN
13. Current Zoning on Property A-2
14. Deed Book 205 Page No. 494 Group No. 2063
15. Is the site subject to a zone change? No
If yes, give date of approval
16. Have you submitted a Site Plan with this request? N/A
17. Have you submitted a list of adjoining property owners with this request? N/A
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.
Applicant's Signature: [Signature]
Property Owner's Signature: [Signature]

(over)

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning
Commission Staff)

- 1. Date Received 4-30-93 Fee Received 396.⁰⁰ R#1259
- 2. Is application complete? Yes No OWES \$60.00
- 3. Staff Reviewer KPC
- 4. Scheduled Board Action Date 5/26/93
- 5. ~~**~~ Board Action:

see below Approved
Approved with Conditions (See #6)
Denial (See #7)

6. Conditions of Approval: _____

7. Reasons for Denial: _____

****** BOARD OVERRODE Zoning Administration's decision - proposed unit is a modular home, and not a mobile home. Applicant shall place unit as described at the Board meeting on the property.
 Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

MAY 26, 1993

Request

In accordance with Sections 201, 220, 230, 240, 245, 253 and 254 of the Boone County Zoning Regulations, an Appeal of the Zoning Administrator's decision or interpretation has been filed before the Boone County Board of Adjustment. Specifically, Toebben Ltd. (applicant) on behalf of Rodney S. Cain, Trustee (owner), has filed an Appeal of the Zoning Administrator's decision regarding the definition of a mobile home versus a modular home and the placement of such a home at 2575 Rice Pike, Boone County, Kentucky. The site in question is currently zoned Agricultural Estate (A-2).

Duties of Zoning Administrator and Board of Adjustment and Zoning Appeals

Section 201 of the Boone County Zoning Regulations describes the authority of the Zoning Administrator. One of the roles of the Zoning Administrator is to determine the classification of any use of land, buildings or structures as a permitted, accessory or conditional use in a specific zoning district based on interpretation of the stated and implied requirements of the zoning regulations. This includes the classification of new uses or uses not specifically identified in the regulations. In addition, one of the Board's duties is to hear and decide Appeals, where it is alleged there is an error in any order, requirements, decision, interpretation, grant or refusal made by the Zoning Administrator.

Description of Site

The 302 acre site is currently zoned Agricultural Estate (A-2) (see exhibit #1 for map and permitted uses). The size of the existing A-2 zoning district along Rice Pike is large. Presently, there is a residence on the property and several other structures used in farming the property. The applicant has indicated that the property will be used for residential and agricultural purposes. The farming use includes the breeding and care of livestock.

History of Request

The applicant contacted the Director of the Boone County Planning Commission in April, 1993. According to the Director, the applicant inquired about the possibility of locating a double-wide trailer on a particular parcel of property in order to provide a house for someone to farm the property. The Director advised the applicant that the placement of the double-wide trailer could not be done because his property was zoned A-2 and not Agriculture (A-1). The applicant had informed the Director that the proposed unit was not a mobile home, but rather a modular unit. At that time, the applicant had not ordered it but was advised to provide information about the proposed unit to the Zoning Administrator (e.g. model number, year, brochures, etc.) for an interpretation.

On April 14, 1993, the applicant met with the Director, the Zoning Administrator and the Zoning Enforcement Officer to discuss a proposed residential structure at 2575 Rice Pike and to review material about the structure (e.g. model number, floor plan, description of unit features, etc.). In addition, the Zoning Administrator and the Zoning Enforcement Officer visited the applicant's farm in Carroll County, Kentucky as the type of unit that is contemplated at the Boone County site is similar to the one in Carroll County. Subsequently, the Zoning Administrator discussed the proposed unit with the Chief Building Official of Boone County. The result was a determination or decision by the Zoning Administrator on April 20, 1993 (see exhibit #2). This determination or decision is the basis for Appeal by the applicant.

Issue

The applicant has requested that the Zoning Administrator classify his proposed unit as modified (the modification is defined in unit features list or inventory see exhibit #3) as a modular unit as opposed to a mobile home in order to place the unit at 2575 Rice Pike. Thus, if the unit was classified as a modular unit, it would then be permitted in an A-2 zoning district only when a Zoning Permit is submitted and approved. Enclosed is a copy of the definition for a mobile home and for a modular as it exists in Article 40 of the Boone County Zoning Regulations (see exhibit #4).

Decision and Basis for Decision

On April 20, 1993, the Zoning Administrator determined that the proposed residential structure (Stoneridge Model by Fleetwood -model #4603A), even with the proposed modifications, is a mobile home and is not permitted on the applicant's farm because mobile homes are not permitted in an A-2 district but rather in Agriculture (A-1) and Mobile Home Park zoning districts. The basis for this determination or decision consists of the following:

1. The proposed residential structure or unit is defined as a mobile home in accordance with Article 40 of the Boone County Zoning Regulations. The applicant's unit is designed, constructed and intended as a mobile home even with the proposed modifications at a factory, and is transported to a building site on its own chassis for placement on a supporting structure. The unit's design and construction is in accordance with U.S. Department of Housing and Urban Development's standards. This design and construction is not in accordance with state and local building codes that are applicable to site built homes. The definition of a mobile home also states that the removal of a wheels and/or the attachment to a permanent foundation shall not change a unit's classification.

2. The proposed residential structure or unit is inspected by the U.S. Department of Housing and Urban Development (HUD) at the factory (see exhibit #5 or April 13, 1992 letter from Fleetwood Homes of Tennessee) in order to meet federal construction or building requirements. Unlike mobile homes as described above, modular residential structures or units require a State inspection at the factory because it is an Industrialized Building System (IBS). A KIBS number is issued by the state and the local building inspector is notified that a modular unit is being placed in the county (see exhibit #6 or example of KIBS letter). Consequently, the local building department will also issue a building permit for foundation work and the delivery of the modular unit.

To date, the applicant has not provided our office with a KIBS letter if the proposed unit was a modular home. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. The proposed unit or mobile home as modified can still easily be removed from the property unlike modular or site-built homes.

3. The proposed residential unit is similar in design, construction and appearance to mobile homes placed in areas zoned Mobile Home Park (MHP) and Agriculture (A-1).

Conclusions

In the Zoning Administrator's letter to the applicant, a series of alternatives were presented. In addition to the Appeal, the following was presented to the Applicant:

1. Use the existing residence on the property.
2. File a Zoning Map Amendment application before the Boone County Planning Commission to rezone the entire site or a portion of the site from A-2 to A-1, which would allow a mobile home.
3. Switch from a double-wide mobile home to a modular home unit or another non-mobile home unit. According to applicant's record, a contract to purchase the proposed mobile home was made May 11, 1993 even though the Zoning Administrator made his decision on April 20, 1993 and the subsequent Appeal was filed on April 30, 1993.

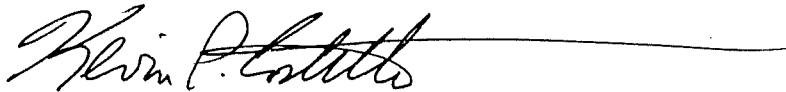
In conclusion, the Boone County Planning Commission in conjunction with the Cities of Florence, Union and Walton and the Boone County Fiscal Court adopted the present definition of a mobile home and a modular home as part of the 1991 Zoning Update. In addition, both the Boone County Planning Commission and the legislative units agreed that the most appropriate zoning districts for mobile homes are A-1 and MHP zones. These provisions reflect current trends and the

STAFF REPORT - Toebben
May 26, 1993

Page 4

Goals, Objectives and Elements of the Boone County Comprehensive Plan. There has been a substantial increase in the number of mobile homes from 1,198 in 1980 to 1,888 in 1990. This increase continues today and will occur in the future.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Kevin P. Costello", followed by a long horizontal line extending to the right.

Kevin P. Costello, AICP
Assistant Director/Zoning Administrator

KPC/par

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9. Owner of Property N/A
RODNEY S. CAIN TRUSTEE
Phone Number of Owner 356-4306
10. Address of Property Owner 445 BRISTOW RD
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11. Proposed Use(s) on Site RESIDENTIAL STRUCTURE
12. Total Square Footage of Existing and/or Proposed Buildings
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Applicant's Signature: [Signature]
Property Owner's Signature: [Signature]

(over)

ARTICLE

6

AGRICULTURAL DISTRICTS

SECTION 600

Intent

The intent of this article is to specifically identify and protect the present and future viability and character of agricultural and rural lands.

SECTION 610

AGRICULTURE (A-1)

The purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.

SECTION 611

Principal Permitted Uses

The following uses are permitted:

1. Single Family dwelling units;
2. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;
3. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;
4. Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls;
5. Animal Husbandry services including veterinarian, animal hospital, poultry hatching and other services;
6. Fish hatcheries, and other fish culture activities and related services;
7. Wild life preserve sanctuaries, habitats, cultures and related activities;
8. Forestry activities including timber production, tree products production, commercial forestry production, forest nurseries and other forestry activities and related services;

26 ARTICLE 6

9. Horticultural, floricultural, viticultural, and other agricultural related uses and services;
10. Agriculture related activities including grist milling services, corn shelling, hay baling, threshing, contract sorting, grading and packaging services and other agricultural processing services;
11. Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment excluding vehicles (Site Plan Review required);
12. Roadside stands, farmers marts and similar sales uses of agricultural and related products including specialty crafts and foods (Site Plan Review required);
13. Garden plots and other similar forms of communal or organizational farming practices;
14. Mobile homes;
15. Bed and Breakfast Inns (Site Plan Review required).

SECTION 612

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Dwelling units of the family of the farm owner-operator, resident manager or farm laborer including:
 - 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 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 (Site Plan Review required);
3. Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);
4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
5. Cemeteries and mausoleums (Site Plan Review required);
6. Public and commercial recreation (Site Plan Review required);
7. Duplex dwelling units;
8. Commercial stockyards and feed lots (Site Plan Review required);
9. Dumps and landfills for non-combustible materials including sanitary landfills (Site Plan Review required);
10. Production, processing and sales of fertilizer (Site Plan Review required).

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 Article 31 for dimensional standards and for developing clustered and conventional residential subdivisions.



SECTION 620

AGRICULTURAL ESTATE (A-2)

The purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.

SECTION 621

Principal Permitted Uses

Permitted uses in the A-1 district numbered 1-10, inclusive, are permitted in the A-2 district.

SECTION 622

Accessory Uses

All accessory uses permitted in the A-1 district are permitted in the A-2 district.

SECTION 623

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 or residential 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, transient 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. Roadside stands, farmers mart and similar sales uses of agricultural and related products including specialty crafts and foods (Site Plan Review required);
2. Garden store, nursery and similar landscape sales of products produced on the premises (Site Plan Review required);
3. Garden plots and other similar forms of communal or organization farming practices;
4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
5. Cemeteries and mausoleums (Site Plan Review required);
6. Public and commercial recreation (Site Plan Review required);
7. Duplex dwelling units;
8. Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);
9. Bed and Breakfast Inns (Site Plan Review required).

SECTION 624

Intensity

The maximum intensity of use shall not be greater than one (1) lot per two (2) acres of land.

SECTION 625

Minimum Size

The minimum size and extent of an A-2 district shall not be less than twenty (20) acres of land.

SECTION 626

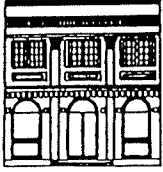
Minimum Standards

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

1. No use shall include the feeding or sheltering of animals or poultry or the storage of refuse, compost, products, supplies or equipment within one hundred (100) feet of any residence, when a nuisance is created.
2. No use shall include the operation or maintenance of a commercial stockyard or feedyard.
3. See Article 31 for dimensional standards and for developing clustered and conventional residential subdivisions.

KPC

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

EXHIBIT #2

April 20, 1993

Mr. Matth. Toebben
Toebben Construction
2536 Hazelwood Drive
Crescent Springs, KY 41017

RE: Property Located at 2575 Rice Pike
Boone County, Kentucky

Dear Mr. Toebben:

I have examined your written information about a proposed use at 2575 Rice Pike, Boone County, Kentucky. For your information, this site is zoned Agricultural Estate (A-2) and I am enclosing a list of permitted uses allowed in the A-2 zoning district.

On April 14, 1993, Bill Fromm, Amy Moore and I met with you and your son, Bill, to discuss a proposed use on the subject property. The proposed use is residential in nature, but a series of questions arose due to the type of residential structure. Specifically, there was a question pertaining to the proposed use being a mobile home. After the meeting, it was decided that I would visit your farm in Carroll County, Kentucky to look at a similar residential structure and discuss this matter with the Chief Building Official of the Boone County Building Inspection Department.

After discussing this matter with you and Jim Key and after reviewing the written material, I have concluded that the proposed residential structure (Stoneridge Model by Fleetwood - model #4603A), even with the modifications, is a mobile home and is not permitted on your ±300 acre farm because mobile homes are not permitted in an A-2 zoning district. The reasons for this determination are as follows:

- 1) The proposed residential structure or unit is defined as a mobile home in accordance with Article 40 of the Boone County Zoning Regulations (see attached copy). Even with your desire to remove the mobile home wheels and attach the unit to a permanent foundation does not reclassify the unit as it is still constructed and inspected by federal HUD inspectors.

Mr. Matth. Toebben
April 20, 1993
Page 2

- 2) The proposed residential structure or unit is inspected by the U.S. Department of Housing and Urban Development (HUD) at the factory (see April 13, 1992 letter from Fleetwood Homes of Tennessee) in order to meet federal construction or building requirements.

Unlike mobile homes as described above, modular residential structures require a State inspection at the factory and a local inspection involving the installation of the structure or unit and the issuance of a Kentucky Industrialized Building System (KIBS) number.

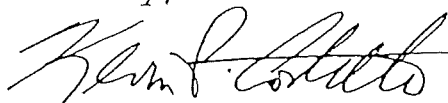
- 3) The proposed residential unit is similar in design, construction and appearance to mobile homes placed in areas zoned Mobile Home Park (MHP) and Agriculture (A-1).

Based upon the above determination, you may want to consider one of the following alternatives:

- 1) Use the existing residence on the property.
- 2) File a Zoning Map Amendment application before the Boone County Planning Commission to rezone the entire site or a portion of the site from A-2 to A-1, which would allow a mobile home.
- 3) Switch from a double-wide mobile home to a modular home or unit or another non-mobile home unit.
- 4) Appeal the above decision or determination of the Zoning Administrator before the Boone County Board of Adjustment.

I trust this letter is sufficient in addressing this issue. Should you have any questions, you may reach me at 334-2196..

Sincerely,



Kevin P. Costello, AICP
Assistant Director / Zoning Administrator

KPC/vlm

Enclosure

cc: William R. Viox, Chairman
William D. Fromm, AICP, Director
Dale T. Wilson, Esq.
Amy S. Moore, Zoning Enforcement Officer
Jim Key, Building Inspector

EXHIBIT #3

R. TORBEN

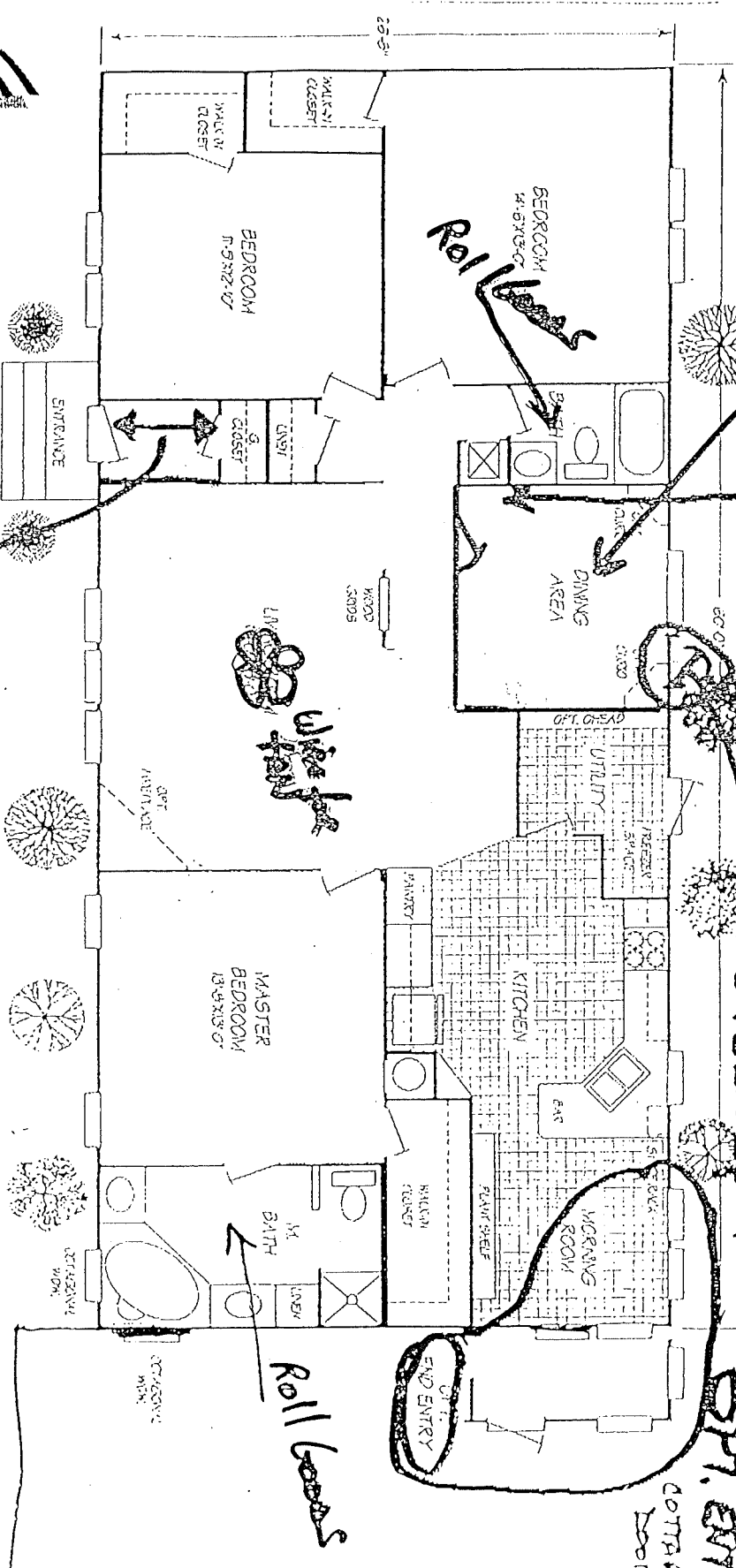
The American Dream

U I L D I N G

*J. T. Jacobsen
Hillman House*

I HAVE READ THE CONTRACT AND THE SPECIFICATIONS FOR EACH AND/OR FLOORPLAN ON THE ABOVE SAID PROJECTS. I HAVE FOUND THIS TO BE CORRECT AND ACCURATE PER MY SPECIFICATIONS. ANY AND ALL OPTIONS AND/OR CHANGES AGREED UPON ARE REFLECTED HERE. WE UNDERSTAND THAT THE MANUFACTURER RESERVES THE RIGHT TO MAKE COSMETIC CHANGES DUE TO THE SUPPLY AND DEMAND OF PARTICULAR MATERIALS.

DATE: 4/5/93 SIGNATURE _____



MODEL 4603A
3 BEDROOMS, 2 BATHS
APPROX. 1,600 SQ. FT.

THE ENTRY

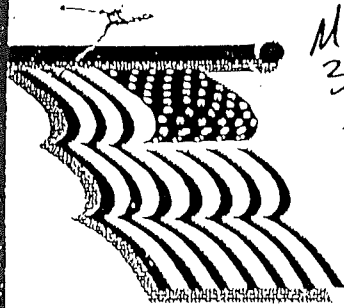
STONERIDGE
BY FLEETWOOD®

5932114702

FLEETWOOD®

MAR 29 '93 14:02 FLEETWOOD #127

*Math Jacobsen
331-1560*



FLEETWOOD HOMES OF TENNESSEE, INC. J. T. Whittaker
 P.O. Box 597 4011 Fleetwood Drive
 Westmoreland Tennessee 37186

STONERIDGE / GLENBROOK
 ORDER CONFIRMATION

DEALER: Holiday
 ORDERED BY: J.T. SERIAL-NO. (S):
 ORDER DATE: DELIVERY DATE:
 WRITTEN BY: P. O. NUMBER:
 FINANCED BY: SHIP VIA:

() STOCK (A) RETAIL: TOBROW

DECOR: 33,267

<input checked="" type="checkbox"/>	Extr. Color <u>White</u>		<input checked="" type="checkbox"/>	UPGRADE Moulding PKG	275
<input checked="" type="checkbox"/>	Shutter <u>Black</u>	STD			
<input checked="" type="checkbox"/>	Exterior Faucet <u>(Fit Read)</u>	70			
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	Utility Cabinet	60
<input checked="" type="checkbox"/>	Sliding <u>White</u> (✓) Vinyl	650	<input checked="" type="checkbox"/>	Extra Int. Door <u>FOR OFFICE</u>	60
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	6-Panel Interior Doors	285
<input checked="" type="checkbox"/>	Dormer	300			
<input checked="" type="checkbox"/>	Front Door (✓) Steel	130	<input checked="" type="checkbox"/>	OPTIONAL END ENTRY	180
<input checked="" type="checkbox"/>	Rear Door (✓) Steel	220		<u>W/ COTTAGE DOOR</u>	
<input checked="" type="checkbox"/>	EXTRA Steel Door <u>for office</u>	350	<input checked="" type="checkbox"/>	Lined Cabinets - Overhead	50
<input checked="" type="checkbox"/>	Thermopane Windows	1275		White Shelves Base / Pantry	50
	Kit. Lamin.				
	Bth. Lamin				
<input checked="" type="checkbox"/>	Tile Entry <u>EXTEND TO CLOSET</u>	85	<input checked="" type="checkbox"/>	Hardwood Doors / Drawers	525
<input checked="" type="checkbox"/>	Carpet Color				
<input checked="" type="checkbox"/>	Upgrade Carpet <u>Plush</u>	395		Dishwasher	
<input checked="" type="checkbox"/>	UPGRADE PAV	250	<input checked="" type="checkbox"/>	Magic Chef	340
			<input checked="" type="checkbox"/>	Refer. Magic Chef (✓) 19'	200
			<input checked="" type="checkbox"/>	Ice Maker <u>Magic Chef</u>	130
<input checked="" type="checkbox"/>	Foundation Ready Chassis	125	<input checked="" type="checkbox"/>	HUD <u>fees + INSPECTION</u>	150
<input checked="" type="checkbox"/>	2" I-Beam	125	<input checked="" type="checkbox"/>	Shut Off Valves T/O	50
	Plywood Floors	600	<input checked="" type="checkbox"/>	Glamour lite + mirror	120
<input checked="" type="checkbox"/>	6" Sidewalls	500	<input checked="" type="checkbox"/>	Double Lavatories	50
<input checked="" type="checkbox"/>	Insulation R-28 R-19 R-14	650	<input checked="" type="checkbox"/>	Glamour Bath	50
<input checked="" type="checkbox"/>	Cathedral Ceiling T/O	STD		TOTAL BASE PRICE	33,267
<input checked="" type="checkbox"/>	Residential Ceilings	STA		TOTAL OPTIONS	9635
<input checked="" type="checkbox"/>	Skylight	405		CENTRAL A/C	-1500
<input checked="" type="checkbox"/>	4th Bedroom Option <u>AS PER PRINT</u>	350		X 68	2,664.1
	<u>TO BE USED AS OFFICE</u>			FOUNDATION	5800
<input checked="" type="checkbox"/>	15" Wire Thermostat	10		SEPTIC SYSTEM	4800
<input checked="" type="checkbox"/>	200 Amp Service	45		200 AMP SERVICE TO HOUSE	900
<input checked="" type="checkbox"/>	Wire Htr. GAS .30	225		5000 GAL CISTERN W/AMP	4400
<input checked="" type="checkbox"/>	Furnace Gas w/pos.	STD		90' of Sidewalks	720
<input checked="" type="checkbox"/>	3/4" GAS LINES	60		GRAVEL DRIVE 16 X 30	850
<input checked="" type="checkbox"/>	Wire For Dryer	40		GUTTERS	550
<input checked="" type="checkbox"/>	Chandelier <u>MORNING ROOM</u>	95		8 X 12 STOOP FRONT	400
<input checked="" type="checkbox"/>	EXTERIOR OUTLET	135		8 X 20 STOOP REAR	350
<input checked="" type="checkbox"/>	Wire For Fan <u>LIVING ROOM</u>	25		TOTAL PRICE	65,836
<input checked="" type="checkbox"/>	Bath Fan <u>GLAMOR BATH</u>	45			

24 X 22 GARAGE WITH INS 6.63
 20 X 16 2800

SLAB OUTSIDE GARAGE 2800
 20 X 16 2800

Septic System
 NOT TO EXCEED 15000 gal tank
 500.00 COVER + 2 FT OF LINES

71,000

Lot Measurements

A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot of Record

A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the office of the County Clerk.

Lot Types

Terminology used in reference to corner lots, flag lots, interior lots, non-buildable lots, and through lots is as follows:

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. Flag Lot: A lot with access provided to the bulk of the lot through the means of a panhandle access corridor.
3. Interior Lot: A lot with only one frontage on a street.
4. Non-buildable Lot: A lot which cannot be built upon due to its inability to comply with the minimum zoning requirements.
5. Reversed Frontage Lot: A lot on which frontage is at right angles to be the general pattern in the area. A reversed frontage lot may also be a corner lot.
6. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Manufactured Housing

A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and transported to a building site. See Mobile Home and Modular Home.

Marina

A facility designed and used for storing, servicing, fueling, berthing, and launching of private pleasure watercraft. May include the sale of boating supplies and convenience goods that are incidental and subordinate to the principal activity.

*

Mobile Home

A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and designed to be transported to a building site on its own chassis for placement on a supporting structure. A mobile home is constructed in accordance with the standards established in the U.S. Department of Housing and Urban Development's building code for manufactured housing. A mobile home is not constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes.



The removal of a mobile home's wheels and/or the attachment to a permanent foundation shall not change its classification. Mobile homes do not include modular homes, dwelling units with automotive capabilities, or recreational vehicles. Mobile homes may be located in the Agriculture (A-1) or Mobile Homes Park (MHP) zoning districts.

Mobile Home or Travel Trailer Sales

The sale or leasing of new and used mobile homes and travel trailers displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

Mobile Home Park

An area designed and used for the placement of residential mobile homes.

Model Home

A residential structure or series of structures built with the purpose of displaying the craftsmanship of the builder/developer of that unit. The unit primarily serves as a marketing tool to sell future, similar units on other lots.

* Modular Home

A dwelling unit composed of two or more components substantially assembled in a manufacturing plant and transported to a building site by truck for final assemble on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. Modular homes do not include mobile homes.

Motel

A facility that offers overnight sleeping accommodations primarily for automobile travelers.

Multi-Family Dwelling Unit

A residential building designed arranged, and occupied exclusively by three (3) or more families living independent of each other.

M.U.T.C.D.

Manual on Uniform Traffic Control Devices

Noise Exposure Map

A map that presents existing and projected aircraft noise contours and identifies the incompatible land uses affected by the noise contours.

Nonconforming Use or Structure

A structure which lawfully existed at the time of adoption or amendment of the zoning regulations, which does not conform to the regulations of the zoning district in which it is situated.

Nursery School or Daycare

Any facility or home that cares for more than three unrelated (unrelated to the operator) children or adults on a regular basis for the purpose of child care or adultcare.

Nursing Home

A health care facility designed and used for the care and/or of invalids, pensioners, or elderly person.

Office Park

A defined geographic area planned and coordinated for the development of various office/business uses and associated activities. An office park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, stormwater management, building design, signage, and landscaping.

APR 13 '93 12:32 FLEETWOOD #27

Fleetwood Homes of Tennessee, Inc.
4011 Fleetwood Drive, P.O. Box 597
Westmoreland, Tennessee 37186
(616) 844-2220

FLEETWOOD

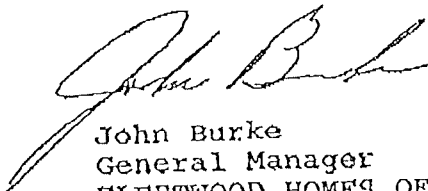
EXHIBIT #5

April 13, 1992

To Whom It May Concern:

This letter will confirm that homes from Fleetwood Plant #27 which bear HUD label are built to meet the requirements set forth by the Department of Housing and Urban Development and are constructed in conformance with the federal manufactured home construction and safety standards in effect at the time of production.

Sincerely,



John Burke
General Manager
FLEETWOOD HOMES OF TENNESSEE, INC. #27

288-2300

JB/ad

Faint, illegible text, possibly a routing slip or distribution list.





COMMONWEALTH OF KENTUCKY
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
DIVISION OF BUILDING CODES ENFORCEMENT

BRERETON C. JONES
GOVERNOR

1047 U. S. 127 SOUTH
FRANKFORT, KENTUCKY 40601
TEL (502) 564-8090
FAX (502) 564-6799

JACK M. RHODY, P.E.
DIRECTOR

May 18, 1992

EXHIBIT #6

Mr. Jim Key
2995 Washington Street
Burlington, Kentucky 41005

Re: KIBS NUMBER: 06A-064-9101
MODEL NAME: Harwick (#923818)
MODEL NUMBER: H-2845-3 STD
OCCUPANCY CLASSIFICATION: Single-Family Dwelling

Dear Mr. Key:

Please be advised that the above referenced Industrialized Building System (IBS) has been sold and will be placed within your jurisdiction.

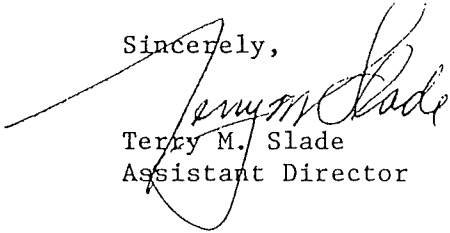
This office has reviewed and approved the plans of the referenced IBS as required by Article 1, Section 109, Paragraph (i) of the Kentucky Building Code. We have also made a factory inspection of this unit. This approval does not constitute the approval of the Division of Plumbing or other authorities having jurisdiction.

If your jurisdiction has adopted the One and Two family dwelling option then you will need to inspect all foundation work and final delivery of the unit. If you have not adopted the option then please disregard this letter.

Enclosed, for your information, is a copy of the factory delivery notification.

If you should have any questions, please feel free to call or write.

Sincerely,


Terry M. Slade
Assistant Director

TMS/kmt

cc: Arnold Mayse, Factory Inspector
Tommy Barnes, Division of Plumbing
Robert J. Sierks, All American Homes

COPY

NO.93-BCBOA-010

CERTIFICATE OF LAND USE RESTRICTION

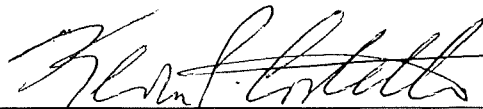
- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Rodney S. Cain, Trustee
445 Bristow Rd.
Independence, KY
- 2. ADDRESS OF PROPERTY
2575 Rice Pike
Union, KY 41091
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
N/A

DEED BOOK: 205 PAGE NO.: 494 GROUP NO.: 2063

- 4. TYPE OF RESTRICTION (S) (Check all that apply)
- | | |
|--|--|
| <p><input type="checkbox"/> Zoning Map Amendment from _____ to _____</p> <p><input type="checkbox"/> Development Plan</p> <p><input type="checkbox"/> Subdivision Plat (unrecorded)</p> <p><input type="checkbox"/> Variance</p> | <p><input type="checkbox"/> Conditional Use Permit</p> <p><input type="checkbox"/> Conditional Zoning Condition</p> <p><input checked="" type="checkbox"/> Other: Appeal</p> |
|--|--|

- 5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Kevin P. Costello, AICP
Assistant Director/Zoning Administrator
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

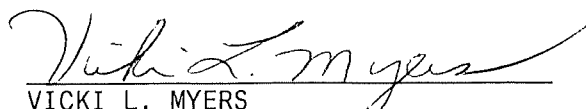
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Kevin P. Costello

on behalf of the Boone County Planning Commission this 1st. day

of June, 1993.

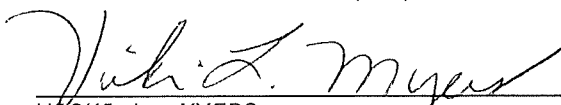


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Appeal
as approved by the Boone County Board of Adjustments and in accordance with the
current zoning in effect as of May 26, 1993, (Certificate of Land Use
Restriction # 93-BCBOA-010), for Rodney S. Cain, Trustee, property
owner.

Board overruled Zoning Administrator's decision - proposed unit is
a modular home and not a mobile home. Applicant shall place unit as
described at the Board meeting on the property.

The approved Appeal as well as the preceding conditions apply
to the property described in: DEED BOOK 205 PAGE NO. 494 Group No. 2063