

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 June 22, 94 Fee Received 121.00 R#4175
2. Is application complete? Yes No
3. Staff Reviewer Mitch Light
4. Scheduled Board Action Date 7/13/94
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
8/10/94
6. Conditions of Approval: _____

7. Reasons for Denial: See Dale Wilson's Letter Dated 8/8/94

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

Applicant: Russell & Cordelia Jane Luck
Location: 7542 East Bend Road, Boone County
Zoning: Agricultural Estate (A-2)
Date: July 13, 1994

REMARKS:

The request by the applicant, Russell and Cordelia Jane Luck, is for an Appeal of the Zoning Administrator's decision to allow a mobile home on their 5.38 acre parcel located at 7542 East Bend Road, Boone County, Kentucky. The site is currently zoned Agricultural Estate (A-2).

History of Site/Complaint

On May 12, 1994, a letter addressed to the Boone County Planning Commission was received from Mr. and Mrs. Russell Luck (see attached copy) explaining their situation and requesting that they be permitted to place a mobile home on their 5.38 acre parcel located at 7542 East Bend Road which is zoned Agricultural Estate (A-2). Upon review of the submitted information by the Zoning Administrator and Assistant Zoning Administrator, a letter dated May 24, 1994, was sent to Mr. and Mrs. Russell Luck from the Assistant Zoning Administrator/Enforcement Officer denying their request to locate a mobile home in an Agricultural Estate (A-2) zone and listed their options (see attached copy).

Boone County Zoning Regulations

The current Boone County Zoning Regulations specifically allows mobile homes in two zoning districts. Mobile homes are principally permitted uses in the Agriculture (A-1) and Mobile Home Park (MHP) zoning districts. In 1986, the Boone County Planning Commission adopted the same wording, which exists today, which allows mobile homes in these two districts. The Planning Commission felt in 1986 that individual mobile homes would be appropriate either on 5 acre tracts of land zoned A-1 or clustered in a mobile home park. This again examined in 1991 by the Planning Commission. Also, the Kentucky Revised Statutes changed in 1986 to disallow an agricultural exemption for mobile homes. K.R.S. 100.2.3 states text provisions to the effect that land which is used for agricultural purposes shall have no regulations except that mobile homes and other dwellings may be permitted but shall have regulations imposed which are applicable, such as zoning, building and certificates of occupancy. The Boone County Planning Commission felt that mobile homes would be more appropriate in the A-1 district rather than be a conditional use in an A-2 district since its purpose is "to preserve and protect the supply of productive lands and other open-space for non-urban uses" instead of only providing for low density residential development in the context of a rural environment.

Previous Decisions

In 1991 Mr. Charles Deters appealed the Zoning Administrator's decision regarding the placement of a mobile home in an A-2 zone for Greenfield Farm at 472 Chambers Road. The Board upheld the Zoning Administrator's decision. In turn, Mr. Deters filed an Appeal of the Board's decision in Boone County Circuit Court.

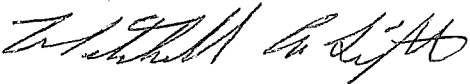
In 1993, Mr. Matthew Toebben appealed the Zoning Administrator's decision regarding the placement of a mobile home on property zoned A-2 on Rice Pike. The Board granted the appeal of the Zoning Administrator's decision citing that Mr. Toebben had a modular home and not a mobile home in an A-2 zone.

Staff Concerns

Upon making a decision, the Board should consider the following staff concerns.

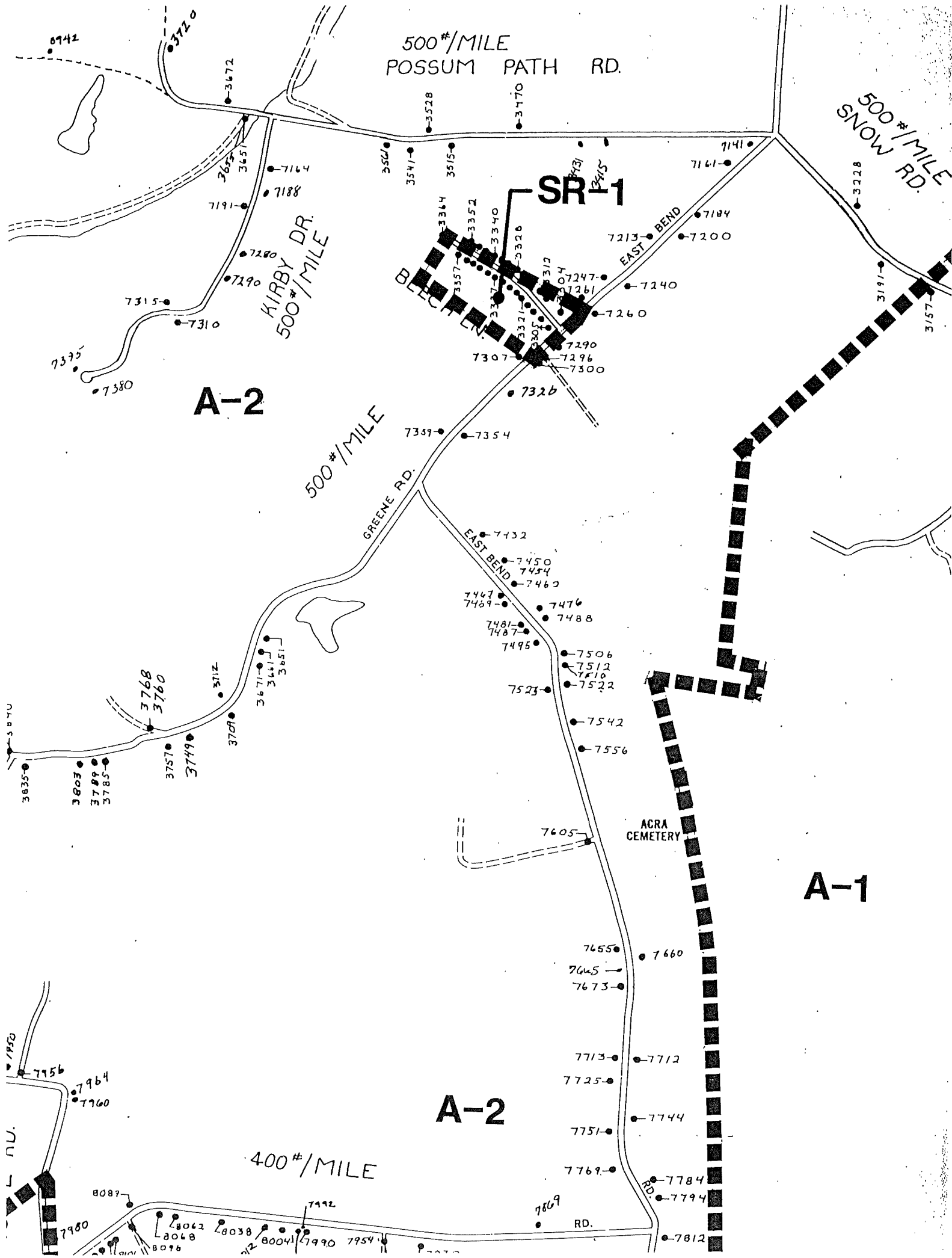
1. If this mobile home is permitted in an Agricultural Estate (A-2) zone, it will set a precedent and will alter the essential character of the property and other properties zoned A-2. There may be options available to the applicants.

Respectfully Submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\par



500#/MILE
POSSUM PATH RD.

500#/MILE
SNOW RD.

500#/MILE
KIRBY DR.

SR-1

500#/MILE
GREENE RD.

A-2

A-1

ACRA
CEMETERY

A-2

400#/MILE
RD.

8942
3720
3672
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7188
7191
7280
7290
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7375
7380
7310

3528
3470
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3515

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732b

EAST BEND
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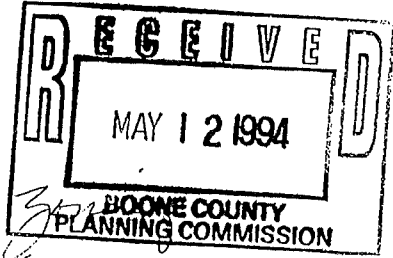
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Boone County Planning & Zoning
Burlington, Ky. 41005

This letter is in ref. to the Russell & Jane Luck property at 7542 East Bend Rd. in Burlington, Kentucky. We need desperately to get approval to have a mobile home put on the back part of our property. It would be our (only) son, Russell Scott Luck who would be residing in said motor home on this property.

* This by Luck portion

The reason being (so desperately needed) is due to my husband Russell Luck's health. As most of you know he had a severe stroke sometime back and had to leave the office of Guillev - Boone County

(Hardship) Discharge. He moved home in March 1993. He lived in our home. Things were going quiet well, until another problem erupted.

My daughter (by a previous marriage) suddenly ended her marriage. There were three children involved ages 3 yrs. - 6 yrs. - 9 yrs. My daughter suddenly announced to me that she could not have a life with three children - My husband Russell and I got custody of the children (to make a long story short.) Our home has only 3 small bedrooms, there was no way we could put (3) children in (1) room due to the size, and due to the oldest child being an almost 10 yrs. old little girl.

Russell pushes himself too hard,
and most of all the stress
it puts on him knowing
that there's so much he
cannot and should not do.

As for myself, with the
③ children to care for, and
our home, its almost impossible
for me to be of any assistance
when it come to outside work
here at home.

If you could please permit
us to do what were asking, I
can promise you. The mobile
home will be used ~~only~~
for our son to live in - to
be on the property to help
as it was meant to, he
when the Airforce discharged
him for this purpose.

If you have any questions
etc. please feel free to

Hillside going up

Small Creek

Hillside up this way



Levels of this area

Mobile Hm. Site

Note
This is the best I can do - since I'm no expert - its hard to do you would have to guess your imagination - I was consist of approx. 1/2 acre
I apologize for not being better at picturing descending the property.

Fence (ours) | Gate

Fence (ours)

Fence (ours)

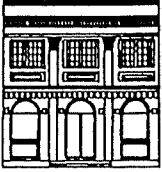
Barn

Russell + Jones Truck Residence

Driveway

(7542) East Bend Rd.

BOONE COUNTY PLANNING COMMISSION



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

May 24, 1994

Mr. & Mrs. Russell Luck
7542 East Bend Road
Burlington, KY 41005

RE: 7542 East Bend Road

Dear Mr. and Mrs. Luck:

The materials which you have sent to me have been reviewed by myself and Mr. Kevin P. Costello, Zoning Administrator of the Boone County Planning Commission. Your property located at 7542 East Bend Road is currently zoned Agricultural Estate (A-2). The A-2 zoning district does not allow mobile homes. Agriculture (A-1) and Mobile Home Park (MHP) zones only allow mobile homes as specified in Article 6, Section 610 and Article 9, Section 980 of the Boone County Zoning Regulations.

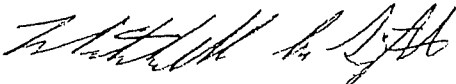
At this point, you have several options. These options are listed below:

1. An addition to the existing structure would be permissible by obtaining a Zoning Permit.
2. It is possible to subdivide the approximate 6 acre tract (minimum lot size of 2 acres) and either build or place a modular home on the site by obtaining a Zoning Permit.
3. There may be a possibility that the property could be changed to an A-1 zone if the site is adjoining an existing A-1 zoning district. Because your property is approximately six (6) acres, four (4) additional acres would be needed to meet the required five (5) acre minimum building lot size in an A-1 zoning district.
4. Appeal the Zoning Administrator's decision to the Boone County Board of Adjustment. If this is done, then an application and fee must be filed with our office.

Mr. & Mrs. Russell Luck
May 24, 1994
Page 2

If you have any questions or want to discuss any of these options,
please feel free to contact me at the above number.

Sincerely,




Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\par

cc: Ruth Shaffer, Deputy Judge/Executive
Kevin P. Costello, AICP, Director/Zoning Administrator
Floyd Sharp, Zoning Inspector

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle) LUCK RUSSELL SCOTT		2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE--HHC AF		3. SOCIAL SECURITY NO. 402 25 9414	
4.a. GRADE, RATE OR RANK A1C	4.b. PAY GRADE 7-3	5. DATE OF BIRTH (YYMMDD) 1960 SEP 16		6. RESERVE OBLIG. TERM. DATE Year 00 Month 00 Day 00	
7.a. PLACE OF ENTRY INTO ACTIVE DUTY CINCINNATI OH		7.b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) BUELLINGTON KY			
8.a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 375 SPS (AFC)		8.b. STATION WHERE SEPARATED SCOTT AFB IL			
9. COMMAND TO WHICH TRANSFERRED NOT APPLICABLE				10. SGLI COVERAGE <input type="checkbox"/> None Amount: \$ 100,000	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 81152A- LAW ENFORCEMENT SPECI, (LAW) WORKING DOG QUALIFYING; 1 YEAR 6 MONTHS.		12. RECORD OF SERVICE			
		a. Date Entered AD This Period	1991	MAY	24
		b. Separation Date This Period	1993	MAR	05
		c. Net Active Service This Period	01	09	10
		d. Total Prior Active Service	00	00	00
		e. Total Prior Inactive Service	00	01	22
		f. Foreign Service	00	00	00
		g. Sea Service	00	00	00
		h. Effective Date of Pay Grade	1992	SEP	24
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) NATIONAL DEFENCE SERVICE MEDAL; BUELL ARMS EXPERT MARKSMANSHIP RIBBON; AF TRAINING RIBBON.					
14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) BASIC MILITARY TRAINING SCHOOL, JUL 1991; LAW ENFORCEMENT SPECI. COURSE, SEP 1991; CAMMO TRAINING, OCT 1991; AIR BASE SECURITY DEFENSE TRAINING, NOV 1991; VOLANT SCOPION, JAN 1992.					
15.a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM		Yes	No	15.b. HIGH SCHOOL GRADUATE OR EQUIVALENT	
			XX	Yes	No
				XX	
17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION				Yes	No
18. REMARKS TERM OF CURRENT ENLISTMENT: 4 YEARS. SERVED 24 MAY 91 TO 5 MAR 93 IN SUPPORT OF OPERATION DESERT SHIELD/STORM. *****NOTHING FOLLOWS*****					
19.a. MAILING ADDRESS AFTER SEPARATION (Include Zip Code) 7542 EAST BEND ROAD BUELLINGTON, KY 41048			19.b. NEAREST RELATIVE (Name and address - include Zip Code) KEN STEPHANS 9 LLOYD AVENUE FLORENCE, KY 41042		
20. MEMBER REQUESTS COPY BE SENT TO KY DIR. OF VET AFFAIRS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature) DORNA L. PARKER, TSGT/ USAF PERSONNEL RELOCATIONS MANAGER		
21. SIGNATURE OF MEMBER BEING SEPARATED 					
SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)					
23. TYPE OF SEPARATION DISCHARGE		24. CHARACTER OF SERVICE (Include upgrades) HONORABLE			
25. SEPARATION AUTHORITY AFR 39-10		26. SEPARATION CODE 1000		27. REENTRY CODE 4A	
28. NARRATIVE REASON FOR SEPARATION HARDSHIP REASONS					
29. DATES OF TIME LOST DURING THIS PERIOD NONE				30. MEMBER REQUESTS COPY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Initials	

HESS - SCHRAND - SANDER, PSC

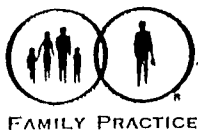
PRIMARY CARE
7211 U.S. 42
FLORENCE, KY 41042

371-1153

LEE C. HESS, M.D.
MEMBER AMERICAN ACADEMY
OF FAMILY PRACTICE

JAMES R. SCHRAND, M.D.
DIPLOMATE AMERICAN BOARD
OF FAMILY PRACTICE

MARK D. SANDER, M.D.
DIPLOMATE AMERICAN BOARD
OF FAMILY PRACTICE



February 23, 1993

TO WHOM IT MAY CONCERN:

IN RE: SCOTT LUCK
Son of Russell Luck

This Air Force enlisted man is applying for humanitarian discharge because of the illness of his father. Russell Luck has had coronary artery disease for many, many years, along with Diabetes Mellitus and he also in the past has had a brain stem infarction which has left him with some neurological deficit. Over the past several years since Scott has been in the Air Force, Russell's cardiovascular system has deteriorated to the point of a markedly reduced ejection fraction with resultant end-stage cardiac disease. He is not a candidate for any revascular procedure and has no other options. He remains on multiple medications, including blood thinner for his end-stage coronary artery disease.

He presently has phlebotomies done about once a month to reduce the circulating red cells in order to help his cardiac disease. He has worsened over the past two years since Scott has been in the service.

Scott is the only son and they live on a small farm at home. Prior times Mr. Luck was able to get on a tractor and ride around and do some mowing but has progressively had more difficulty with this, related to his physical capabilities, and the weakness related to his progressive heart disease.

Cardiologists have offered him no other options or treatment and as for his prognosis, I cannot give a time or date relative to his disease process, but his terminal event could be sudden at any time. However, he remains on his medications and his anxiety state could be improved by a better sense of well-being if his son was there, in assisting him in his management at home.

If any further information is needed, do not hesitate to contact me. Hopefully this will assist Scott in his humanitarian discharge.

Sincerely,

James R. Schrand, M.D.

JRS/rce
cc: File

A Letter from doctor to Military Ref. (per humanitarian (hardship) Discharge) Russell Luck's health

ENTERED
BOONE CIRCUIT/DISTRICT COURT
27 1993
PAT GUTZEIT, CLERK
BY _____ DG



Commonwealth of Kentucky
Court of Justice

KRS 395.105

ORDER APPOINTING
FIDUCIARY

Case No. 93-P-00395
Court DISTRICT
County BOONE

In Re the Estate of: RYAN NICOLE & CHRISTOPHER K. CHILDRESS

Upon hearing the petition of REBECCA & HOWARD CHILDRESS the court appoints
C. JANE LUCK & RUSSELL LUCK to act as GUARDIAN

of said estate and fixes bond in the sum of \$ 0 with approved surety, or with surety
having been waived.

Date 10-27-93

Charles T. Moore
District Judge

To be completed on copies only:

CERTIFICATE OF QUALIFICATION

I, PAT GUTZEIT, Clerk of the BOONE District

Court, do certify that this is a true and correct copy of the Order Appointing Fiduciary as recorded in my office.

This Order and Qualification is in full force and effect.

10-27-93
Date

PAT GUTZEIT, Clerk
By: *Synda Apple*, D.C.

** Court Documents per guardianship of
two grandchildren. (See next page per third grandchild)*

AOC-840
Rev. 1-91

Commonwealth of Kentucky
Court of Justice

KRS 395.105



ORDER APPOINTING
FIDUCIARY

ENTERED
BOONE CIRCUIT/DISTRICT COURT
DEC 3 1993
PAT GUTZEL, CLERK

Case No. 93-P-00441

Court DISTRICT

In Re the Estate of: JOSHUA A CHILDRESS

Upon hearing the petition of HOWARD KEITH & REBECCA M CHILDRESS the court appoints

JANE & RUSSELL LUCK

to act as GUARDIAN

of said estate and fixes bond in the sum of \$ 0 with approved surety, or with surety
having been waived.

Date 12/3/93

Michael P Collins
District Judge

To be completed on copies only:

CERTIFICATE OF QUALIFICATION

Pat Gutzel, Clerk of the *Boone* District

Court, do certify that this is a true and correct copy of the Order Appointing Fiduciary as recorded in my office.

This Order and Qualification is in full force and effect.

12-3-93
Date

Pat Gutzel, Clerk
By: *Regina Stueker*, D.C.

*Third grandchild guardianship
Court documents.*

June 20, 1994

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

Attn: Board of Adjustment

★ We, the neighbors (and adjoining property owners) of Russell and Jane Luck understand that the Lucks are in need of putting a Mobile Home on the backside of their property located at 7542 East Bend Road, Burlington, Kentucky.

★ This Mobile Home is to be used by their son, Scott Luck, to live in, to be near his parents to help maintain upkeep to property. The reason being that Russell's health does not permit him to do the things that need to be done to the home or property. Since they are trying to raise three small grandchildren, Jane Luck's time is tied up caring for the children, her husband, and doing

★ Letter signed by
Aly: Prop. Owners

The everyday chores as needed in the home, therefore she is unable to contribute to outside work that needs doing.

* Being a neighbor and adjoining property owner, I have no objection to the Luck's putting a mobile home on their property.

* The location they have chosen for the mobile home is located on backside of property which would be invisible from main road (East Bend) and hardly visible from the Luck's residence.

① Name: Wilbur + Marie Winbrenner

Address: 7556 East Bend Rd., Burlington, Ky. 41005

② Name: Allie D. Meggeman

Address: 3121 Snow Rd Burlington Ky 41005

③ Name: Jack Jones

Address: 7523 East Bend Rd.

④ Name: Helen McDaniel

Address: 7522 east Bend Rd.

⑤ Name: Linda Adams

Address: 58 Utz Dr., Florence, Ky. 41042