



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 OCT 16 1995 Fee Received 276.00 P# 8261
2. Is application complete?  Yes  No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ **Approved**  
\_\_\_\_\_ **Approved with Conditions (See #6)**  
\_\_\_\_\_ **Denial (See #7)**
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

DEVELOPMENT: **Ma and Pa Antiques and Craft**

APPLICANT: Ma and Pa Antiques and Craft

LOCATION: 1007 Burlington Pike, Boone County, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: November 8, 1995

The applicant is requesting a Change in Non-Conforming Use to allow the development of an antique and crafts establishment which would include craft shows and story telling about the crafts. The site is currently used as a nursery by Rightway Nursery Inc. which is relocating to another location. The existing nursery facility is located at the southwest corner of KY 18 and Ridge Avenue (See Map #1 & 2).

The applicant is proposing to have outside craft shows during the warmer months of the year and story telling which would detail the story and history behind the making of the craft.

The Board of Adjustments and Zoning Appeals has the power to hear and render decisions on applications to permit a change from one non-conforming use to another. 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.

When the Board reviews this request it must consider the proposed change in non-conforming use as it relates to the previous use which occurred on the site last. This use was the Rightway Nursery Inc. In addition, the Board must compare the proposed use to the permitted uses which include:

1. Detached single-family dwelling units;
2. Duplex dwelling units with attached garages;
3. Townhouse dwelling units (minimum 5 acres);
4. Agricultural farming, dairying, and stock-raising;

5. Recreation defined in this district to open space parks, hiking areas and trails, bikeway systems and picnicking areas.

Conditional Uses include:

1. Conversion of an existing dwelling into multiple units of not more than three families;
2. Clubhouses, community centers and similar common assembly or shared facilities where the facility is and integral part of a residential development and the membership is limited to residents of a common development or neighborhood;
3. Townhouse dwelling units;
4. Churches, synagogues, temples and other places of religious assembly for worship;
5. Cemeteries including mausoleums;
6. Duplex dwelling units with attached garages (3 or more acres);
7. Nursery and day care centers.

Surrounding Land Uses and Zoning (See Sheet # 3)

North: Auto dealerships zoned Commercial Services (C-3)

South: Single family homes zoned Suburban Residential Two (SR-2)

East: Shell gasoline station zoned Commercial Two (C-2)

West: Accounting office zoned Commercial One (C-1)

Site History

In 1983, the Board of Adjustments approved a change in non-conforming use to allow the establishment of Rightway Nursery Inc. The previous use of the property was for a dentist office. The nursery use operate on the majority of the one acre site having seasonal peaks in intensity for the use of the site.

Staff Concerns:


1. Staff believes that the proposed use will be similar in scope and activities as the existing use. However, the story telling and craft shows could present problems if they become successful and well attended. This type of operation could potentially draw many customers at one time which would present a problem concerning parking.

2. Any exterior changes to the site including paving or constructing new buildings or structures will require site plan approval. In addition, any signs will require sign permit approval.
3. If the rear portion of the lot is developed for parking or outside display area, landscaping should be installed along the existing fence line to screen the neighboring residential homes. This screening could be addressed at the Site Plan Review procedure.
4. The applicant's site has an existing free standing sign which he would be entitled to reuse, but would not be permitted to expand in size or height. In addition, any building mounted signs which exist could be reused but could not be enlarged in size.

Conclusion

The Board should review the applicant's request with regards to the compatibility of the proposed non-conforming use with the permitted uses and conditional uses within the district. In addition, the proposed use has to be equally or more compatible than the previous 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.

Respectfully Submitted,

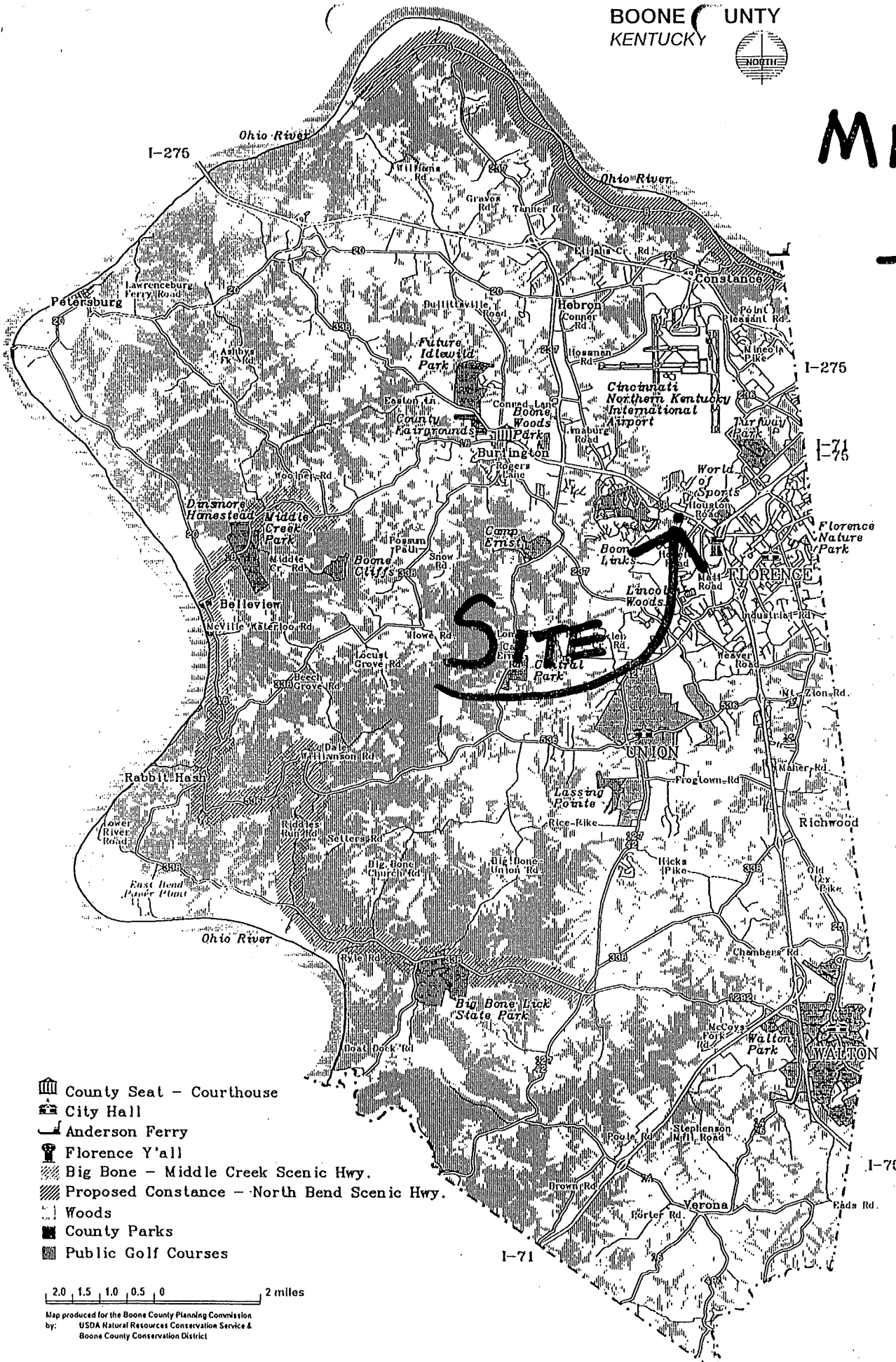











Jeffrey F. Hayes, AICP  
Planner

JFH\par



MAP #  
1

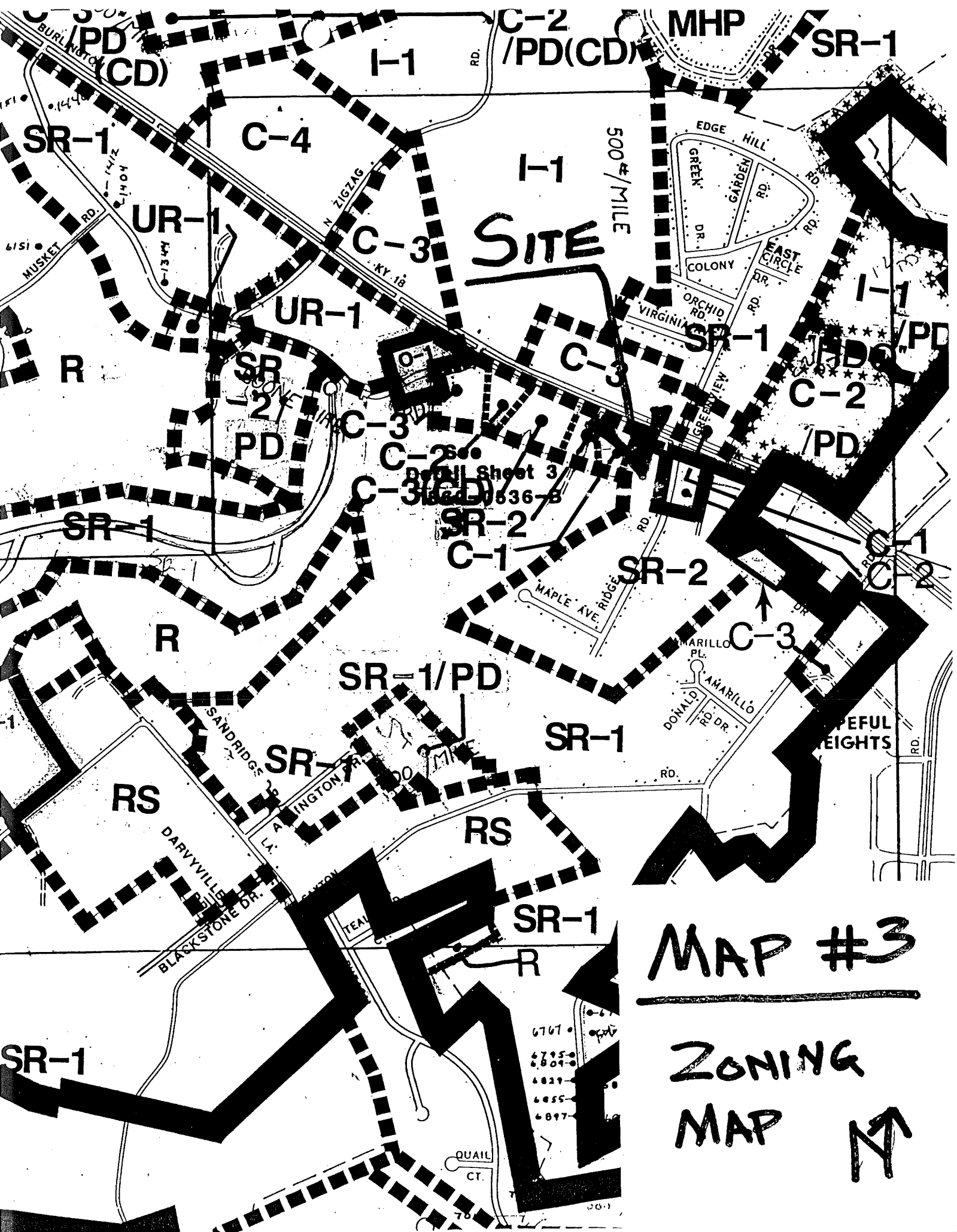


-  County Seat - Courthouse
-  City Hall
-  Anderson Ferry
-  Florence Y'all
-  Big Bone - Middle Creek Scenic Hwy.
-  Proposed Constance - North Bend Scenic Hwy.
-  Woods
-  County Parks
-  Public Golf Courses

2.0 1.5 1.0 0.5 0 2 miles

Map produced for the Boone County Planning Commission  
by: USDA Natural Resources Conservation Service &  
Boone County Conservation District





**SITE**

500' / MILE

Sheet 3  
636-3

- 6767
- 6795
- 6804
- 6829
- 6855
- 6897

**MAP #3**

**ZONING  
MAP**



COPY

CLUR # 95-BCBOA-020-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

J. Curtis Bevins  
98-402 Koauka Loop #811  
Aiea, Hawaii 96701

2. ADDRESS OF PROPERTY

1007 Burlington Pike  
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Ma and Pa Antiques and Crafts

DEED BOOK: 248/244

PAGE NO.: 100/156

GROUP NO.: 2032

4. TYPE OF RESTRICTION (S) (Check all that apply)

Zoning Map Amendment  
from \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat  
(Unrecorded)

Other:

Variance

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  
Jeffrey F. Hayes AICP/Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the Boone  
County Planning Commission this 20th day of December 1995.

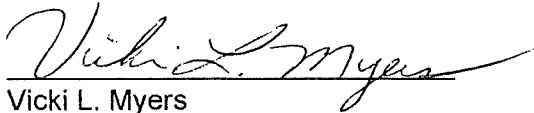


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of November 8, 1995 (Certificate of Land Use Restriction # 95-BCBOA-020-A), for J. Curtis Bevins, property owner.

The following conditions will apply: (1). Any exterior changes to the site, including paving, come through Site Plan Review; (2) the sign requires sign permit approval; (3) if the rear portion of the lot is developed , there would be landscaping that is addressed through Site Plan Review; (4) there will be no more than two outside shelters.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 248/244 PAGE NO. 100/156 Group No. 2032