

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 12-19-96 Fee Received \$6008.00 R#8771
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 1-10-96
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

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: Four D Auto Body Inc.

APPLICANT: David Ahr

LOCATION: U.S. 42 behind the Tobacco Warehouse
Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: January 10, 1996

The applicant is requesting a Conditional Use Permit to allow the development of an auto body repair shop. The shop would be located in an existing Industrial One (I-1) zone in which a plumbing supply company and the Boone/Kenton County Tobacco Warehouse are located. Access to the site is from a private driveway which extends approximately 2,000 feet back from U.S. 42 (See Map #1).

Article 11 of the Boone County Zoning Regulations permits the development of gasoline service stations and vehicle maintenance facilities with a Conditional Use Permit. The Board must use the following criteria in addition to the seven criteria used to judge a Conditional Use Permit.

- a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- b) the activity is of integral relation to the purpose of the district;
- c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district;

The 1995 Boone County Comprehensive Plan Future Land Use Map indicated that applicant's site as Industrial. The Land Use Text does not make any specific mention regarding this site.

A Site Plan was approved in December of 1994, which showed the development of a 2,400 square foot building on an .80 acre tract of land (See Map #2). A fence was shown with pine trees planted along the back of the fence and a gravel surface for outside storage. The applicant's site does adjoin an apartment complex to the east.

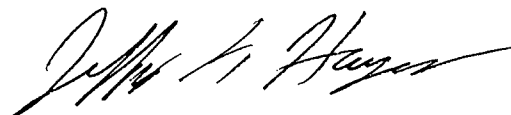
Staff Concerns:

1. The Board should determine if a limit should be established on the maximum number of automobiles which can be stored on the property. The concern is that the site does not become a salvage yard. In addition, the area indicated for outside storage on the approved Site Plan should be the only area permitted for the storage of auto's, ie. the fenced in area.
2. The applicant will still be required to obtain all permits from the Building Inspector's office for the operation of an auto body shop if a Conditional Use Permit is granted.

Conclusion:

Staff believes that the proposed use is compatible and harmonious with the surrounding industrial uses and residential apartments. The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the four criteria for a Conditional Use within an Industrial One zoning district.

Respectfully Submitted,



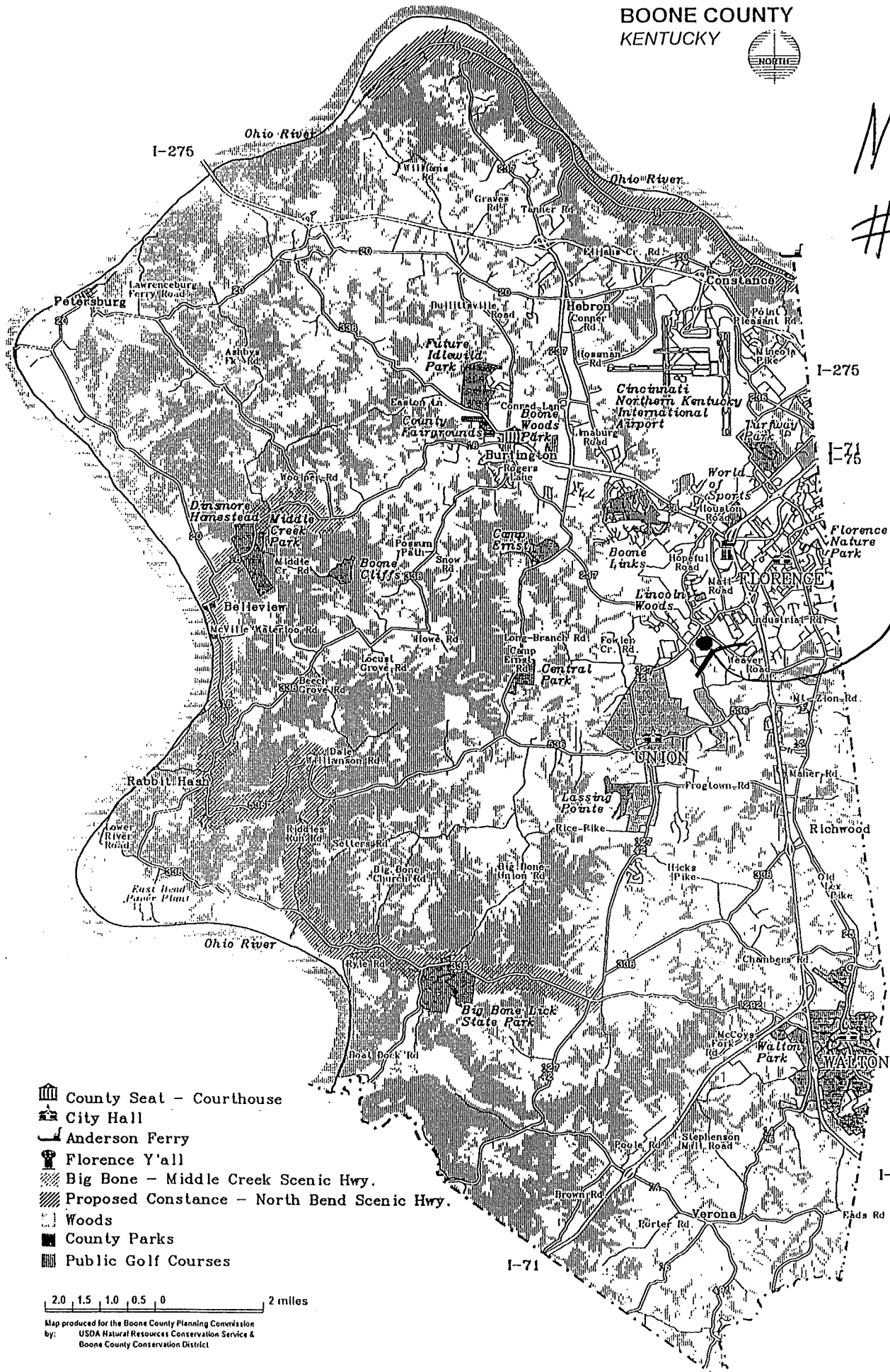
Jeffrey F. Hayes, AICP
Planner

JFH\par










BOONE COUNTY
KENTUCKY

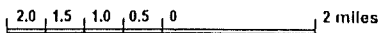


MAP
1



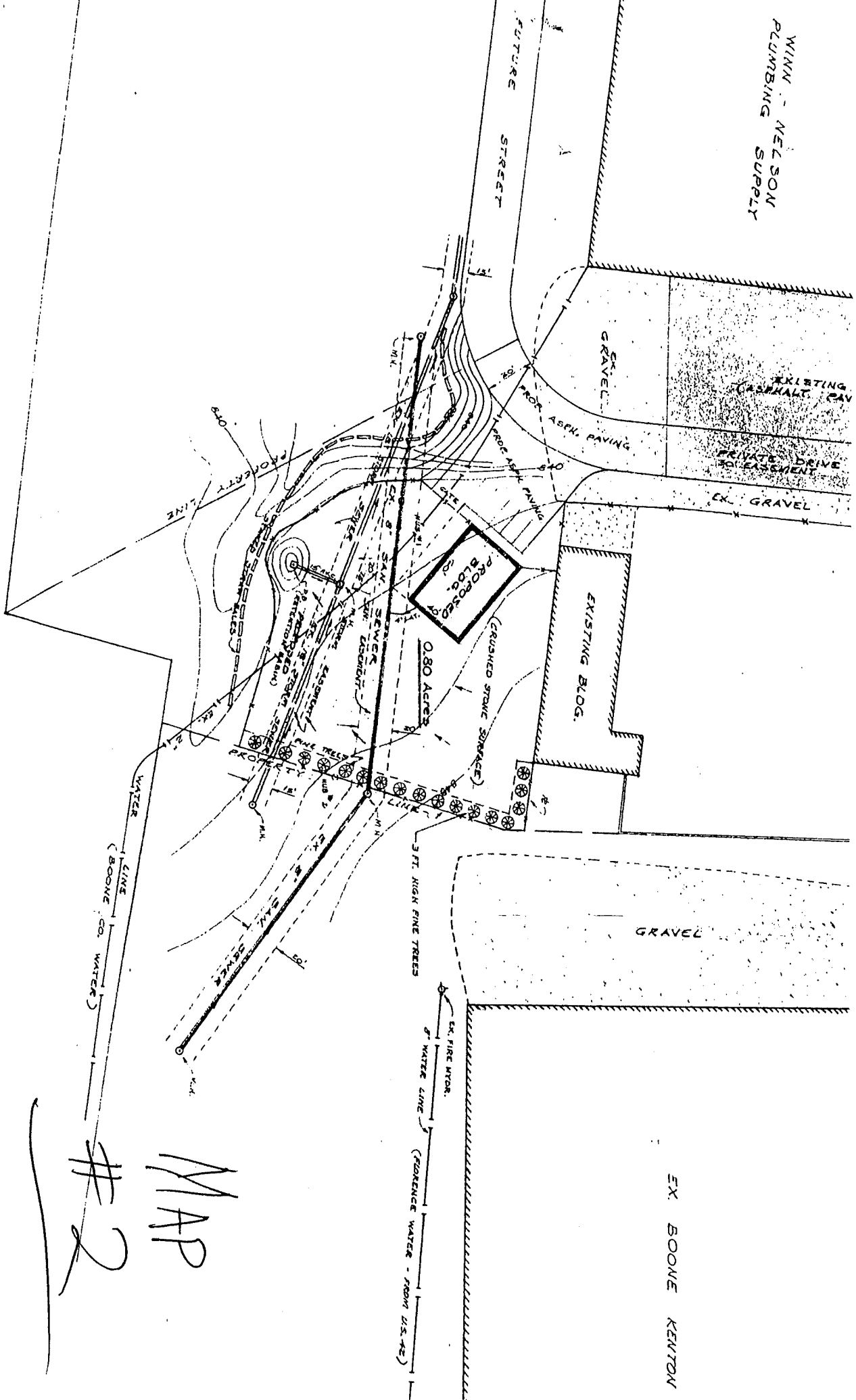
SITE

-  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



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

WINN - NELSON
PLUMBING
SUPPLY



MAP #2

EX. BOONE KENTON

COPY

CLUR # 96-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Russell Rankin
112 Warwick Court
Crestview Hills, Kentucky 41017

2. ADDRESS OF PROPERTY

U.S. 42
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Four D Auto Body, Inc.

DEED BOOK: 244

PAGE NO.: 88

GROUP NO.: 2048A

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



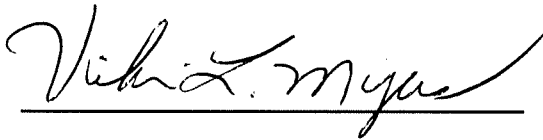
SIGNATURE OF COMPLETING OFFICIAL

Jeffrey 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 10th day of January 1996.

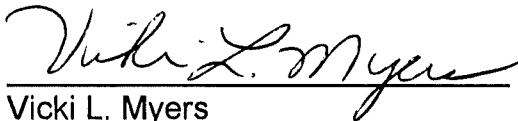


NOTARY PUBLIC, State at Large

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 January 10, 1996 (Certificate of Land Use Restriction # 96-BCBOA-002-A), for Russell Rankin; property owner.

The following conditions will apply: (1). The Fence be there; (2), There be a maximum of 30 vehicles to be repaired and they be within the fenced area, (3) that all permits be obtained from the Building Inspector.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 244

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Group No. 2048A