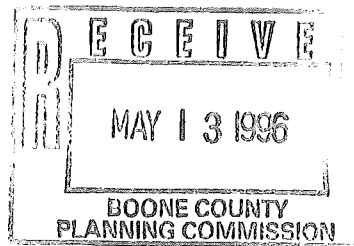


APPLICATION FORM
**BOARD OF ADJUSTMENT
 AND
 ZONING APPEALS ACTION**



(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 Allen & Thrice Stephens
 Phone Number 606-371-776 Fax No. 606-371-7761
 Applicant's Address 7389 Burlington Pike
Florence Ky 4002
 City State Zip
4. Description of Request: Allow landscape operation, storage of landscape materials & equipment on said site along with vegetable & orchard trees.
5. Name of Development AS Landscape Contractors Inc.
6. Location of Development 123 Chambers Road
Walton Ky 41094
7. Acreage Under Review 6.42 Acre
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property Allen Stephens
 Phone Number of Owner 606-371-7761
10. Address of Property Owner same above
 City State Zip
11. Proposed Use(s) on Site Landscape / Nursery supplies
equipment to be stored & operate landscape operations along with gardening & orchards.
12. Total Square Footage of Existing and/or Proposed Buildings
30 x 56 Existing 1620 Sq Ft.
13. Current Zoning on Property A-2 / 12-1
14. Deed Book 478 Page No. 145 Group No. 2078
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? NO
17. Have you submitted a list of adjoining property owners with this request? NO
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: Allen Stephens
 Property Owner's Signature: Allen Stephens

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 May 13, 1996 Fee Received 432.00 R#10095
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 7-10-96
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: A & S Landscaping Contractors

APPLICANT: Allan and Janice Stephens

LOCATION: 123 Chambers Road, Boone County, Kentucky

ZONING Agricultural Estate and Rural Suburban (A-2/RS)

DATE: June 12, 1996

The applicant is requesting a Conditional Use Permit to allow the storage of nursery supplies and equipment used for his landscaping operation. The 6.42 acre site is located on the south side of Chambers Road approximately 350 feet from the intersection with Dixie Highway (See Map #1). The site contains an existing barn which is approximately 1,680 square feet in size. The applicant currently uses the site as a holding area for plants which they receive from other nurseries that will be installed at job sites. The applicant currently is operating his landscaping business in violation with regards to having supplies such as mulch stored on the property for use at job sites and storing equipment and vehicles on the site. The mulch can be used in the holding of the plants within an Agricultural zone.

Articles 6 of the Boone County Zoning Regulations permits the development of garden store, nursery and similar landscaping sales of products on the premises with a Conditional Use Permit. The portion of the applicant's property which is currently zoned Rural Suburban (RS) cannot be used for the landscape operation. The Board must use the following criteria in addition to the seven criteria used to judge a Conditional Use Permit.

- 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;
- 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;

- c) provided the arrangement of uses, buildings or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Zoning and Land Use (See Map #2)

North: Single family homes zoned Agricultural Estate (A-2)

South: Vacant land zoned Agricultural Estate (A-2)

East: Single family homes zoned Rural Suburban (RS)

West: Single family homes zoned Agricultural Estate (RS)

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as Rural Lands. The Land Use Text does not make indicates that this area should be used for low density and agricultural purposes.

Staff Concerns:

1. The applicant has indicated that there will be no sales of materials on the property. However, Staff believes that a condition should be established regarding this so that if the property is sold, retail sales will not be permitted without approval from the Board.
2. Staff believes that limits should be established on the hours of operation and the number of vehicles and equipment that can be stored outside of the existing barn. In addition, staff believes that a storage area should be established in the rear of the building for all materials, equipment and vehicles.
3. Staff believes that any lighting for the applicant's site should be for security only and should be directed straight down.
4. Staff believes that no major vehicle repairs should be conducted on the property.
5. Site Plan review would be required if the conditional use permit is granted. Parking and circulation areas would have to a paved surface.

6. Staff believes that because the applicant operates a landscaping company that the applicant's site should be improved visually with permanent landscaping around the building, along Chambers Road, and around the outside storage area. This landscaping could be reviewed as part of the Site Plan.
7. Issues have been raised regarding semi-truck deliveries which can't negotiate the turn into and out of the applicant's site without driving into neighboring yards. Therefore, staff believes that truck deliveries should not be made by trucks which are any larger than dump trucks.
8. The Board should determine if any signage should be permitted for the applicant's site. Staff believes that signage is not needed because the applicant has indicated that there will be no retail sale on the premises.

Conclusion:

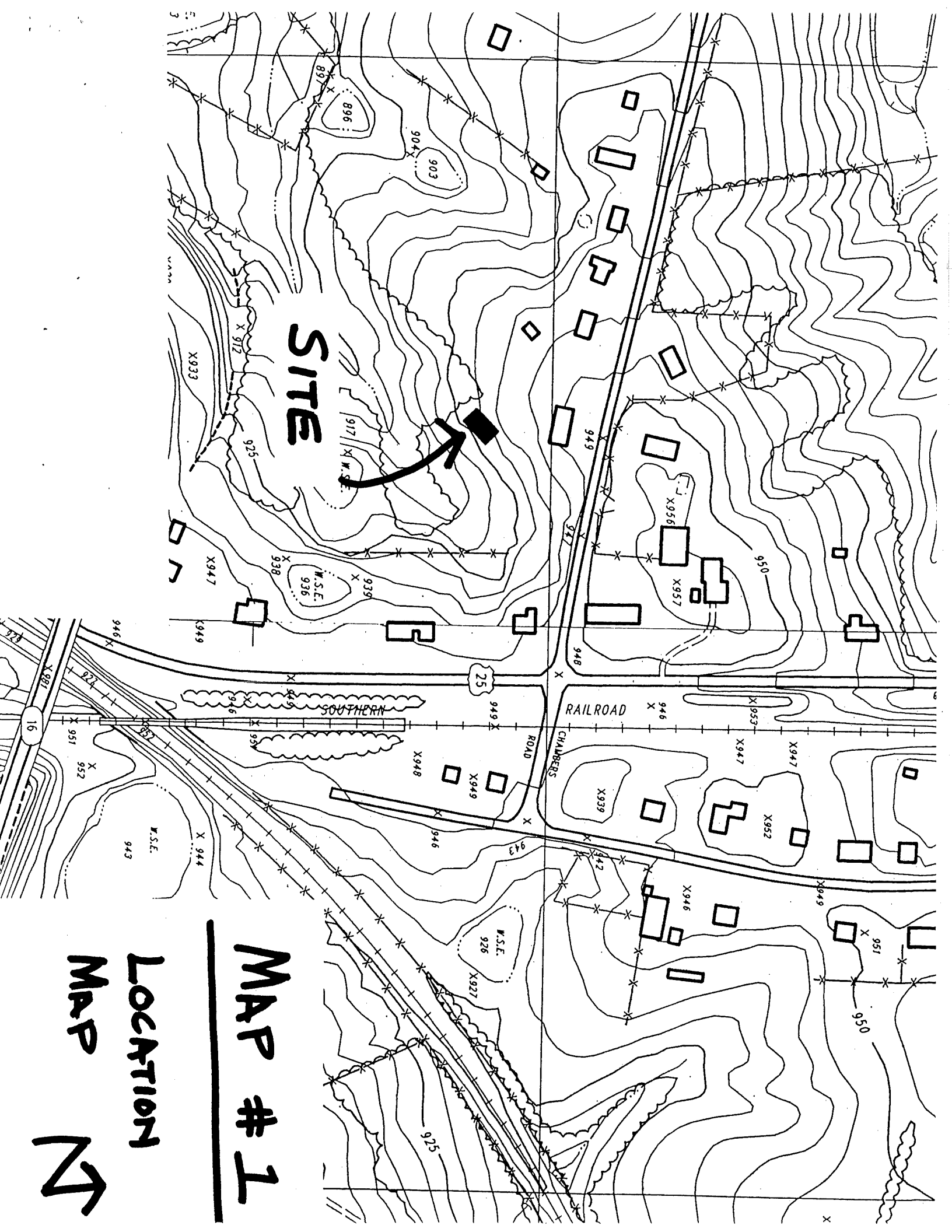
Staff believes that the proposed use if properly operated, landscaped, and screened can be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the area. The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the criteria for a Conditional Use within an Agriculture Estate zoning district.

Respectfully Submitted,



Jeffrey F. Hayes, AICP
Planner

JFH\par



SITE



MAP # 1

LOCATION

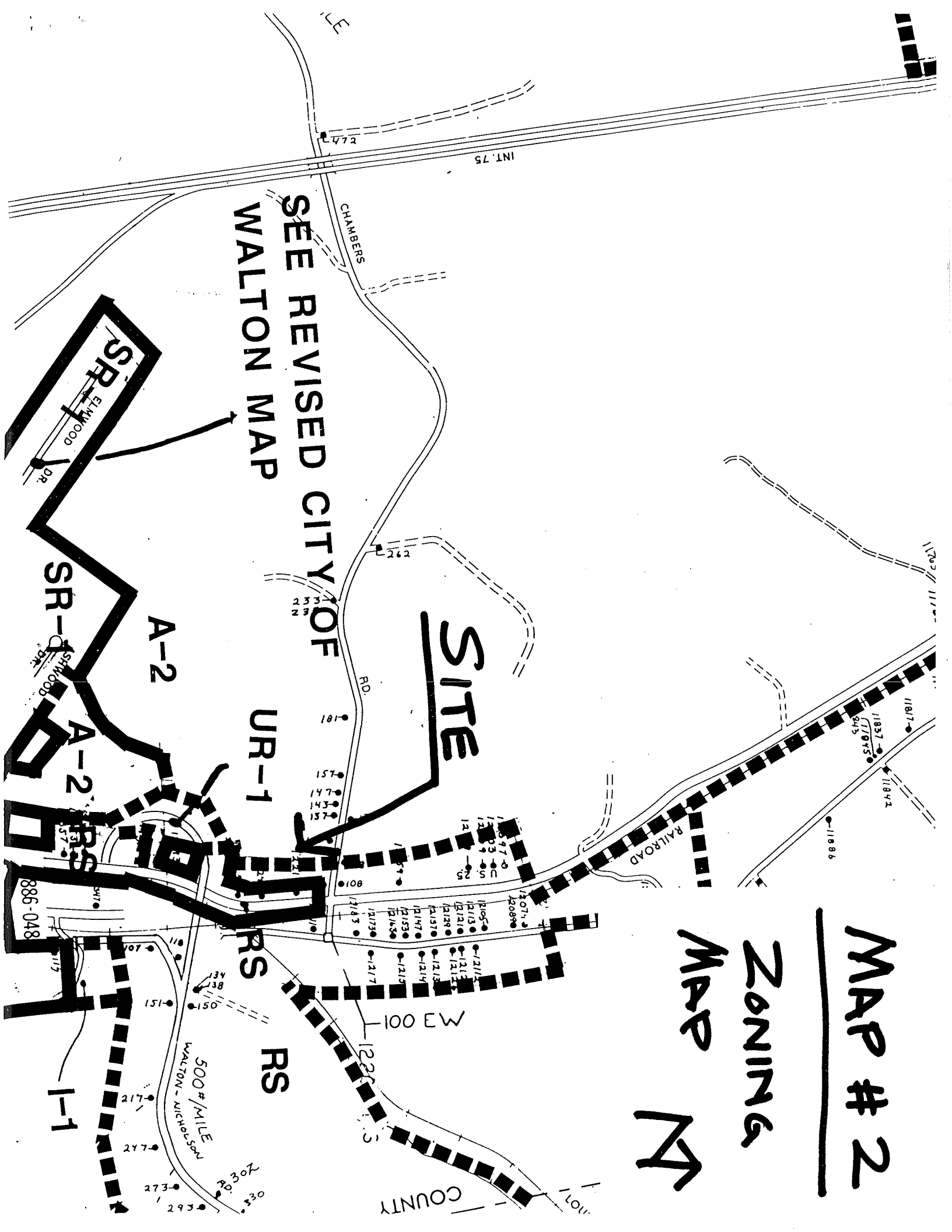
MAP



MAP # 2

ZONING

MAP



COPY

CLUR # 96-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Allen Stephan
7389 Burlington Pike
Florence, Kentucky 41042
2. ADDRESS OF PROPERTY
123 Chambers Road
Walton, Kentucky
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
A & S Landscape Contractor

DEED BOOK: 478

PAGE NO.: 145

GROUP NO.: 2078

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

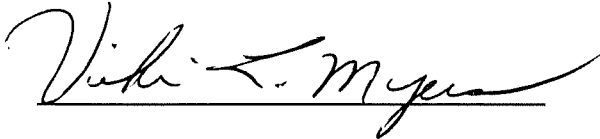

SIGNATURE OF COMPLETING OFFICIAL

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 F. Hayes on behalf of the
Boone County Planning Commission this 16th day of August 1996.

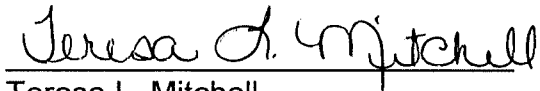


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 July 10, 1996 Certificate of Land Use Restriction (# 96-BCBOA-009-A), for Allen Stephan, Property owner.

The following conditions will apply: (1) Plants growing on the property can be permitted, but not for sale on the property, (2) There can be no large vehicle storage (trucks larger than single axle) or delivery's from trucks larger than single-axle vehicles. All vehicles and equipment shall be parked in the rear. (3) The road to the property is to be paved (4) Screening is to be put in to protect the view of the neighbors and (5) Outside storage will be permitted in the rear for materials necessary for the growing of plants. All other materials such as bricks, pallets, pipe etc, shall not be permitted to be stored outside. (6). No outside storage of snow plows in the front of the building. (7). Lighting is to be for security purposes only. (8). Site Plan Review is required. (9). No sign shall be permitted.

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

described in: DEED BOOK 478

PAGE NO. 145

Group No. 2078