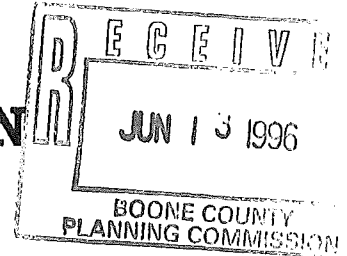


APPLICATION FORM
**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION**

(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 JOSEPH O. LAY
Phone Number (606) 384-3467 Fax No. (606) 384-3467
Applicant's Address 1895 BENSON PLACE
UNION KY 41091
City State Zip
4. Description of Request: Would like to REMODEL
Building for OFFICE SPACE
5. Name of Development _____
6. Location of Development 10872 U.S. 42
UNION, KY 41091
7. Acreage Under Review 1/4 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property JOSEPH O. LAY
Phone Number of Owner 384-3467
10. Address of Property Owner 1895 BENSON PLACE
UNION KY 41091
City State Zip
11. Proposed Use(s) on Site OFFICE SPACE
12. Total Square Footage of Existing and/or Proposed Buildings 960 Sq. Ft.
13. Current Zoning on Property SRI
14. Deed Book 193 Page No. 370 Group No. 2069
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? YES
17. Have you submitted a list of adjoining property owners with this request? YES
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: Joseph O. Lay
Property Owner's Signature: Joseph O. Lay

(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 6-13-96 Fee Received \$276.00 R/H 10433
2. Is application complete? Yes No
3. Staff Reviewer Self Hayes
4. Scheduled Board Action Date _____
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: Office

APPLICANT: Joseph O. Lay

LOCATION: 10872 U.S. 42, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: July 10, 1996

The applicant is requesting a Change in Non-Conforming Use to allow the development of an office within the existing building located on the 1.25 acre lot. The site adjoins New Haven Elementary School to the north and is located on the east side of U.S. 42 (See Map #1& 2). The site is currently vacant and contains two structures. The main building is approximately 1,500 square feet in size with a lower level and the second building is a mobile home which the applicant has indicated would be removed.

The existing building has been vacant for many years and was last used for a grocery store. The applicant is proposing to use the existing building for an office for his plumbing business. The applicant has indicated that the number of employee's at this building would be 5.

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 site has been used in the past for a retail/commercial use but has been vacant for approximately five years. In addition, the Board must compare the proposed use to the permitted uses which include:

1. Detached single-family dwelling units;
2. Agricultural farming, dairying, and stock-raising;
3. Recreation defined in this district to open space parks, hiking areas and trails, bikeway systems and picnicking areas;

4. Golf courses, golf driving ranges and miniature golf courses including associated clubhouse and maintenance facilities for such uses. Miniature golf courses are only permitted and may only be developed, operated and maintained as an integral part of a golf course or golf driving range owned by the same property owner as the miniature golf course.

Conditional Uses include:

1. Duplex dwelling units with attached garages;
2. Churches, synagogues, temples and other places of religious assembly for worship;
3. Cemeteries including mausoleums
4. Nursery or day care centers.

Surrounding Land Uses and Zoning (See Map #3)

- North: New Haven Elementary School zoned Suburban Residential One (SR-1)
- South: Twin Lakes Subdivision zoned Suburban Residential One (SR-1)
- West: Single family homes zoned Agricultural Estate (A-2)
- East: Twin Lakes Subdivision zoned Suburban Residential One (SR-1)

Staff Concerns

1. Any exterior changes to the site including paving or construction of new buildings or structures will require site plan review.
2. Staff believes that the hours of operation should be reviewed as well as the number of employees, company vehicles and outside storage. Limits should be established regarding all of the above.

3. Signage for the building should be reviewed to determine that it is compatible with the area.
4. Additional parking will be needed for the development of the office use. Staff believes that this parking area should be located behind the existing building and the mobile home should be removed.

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,

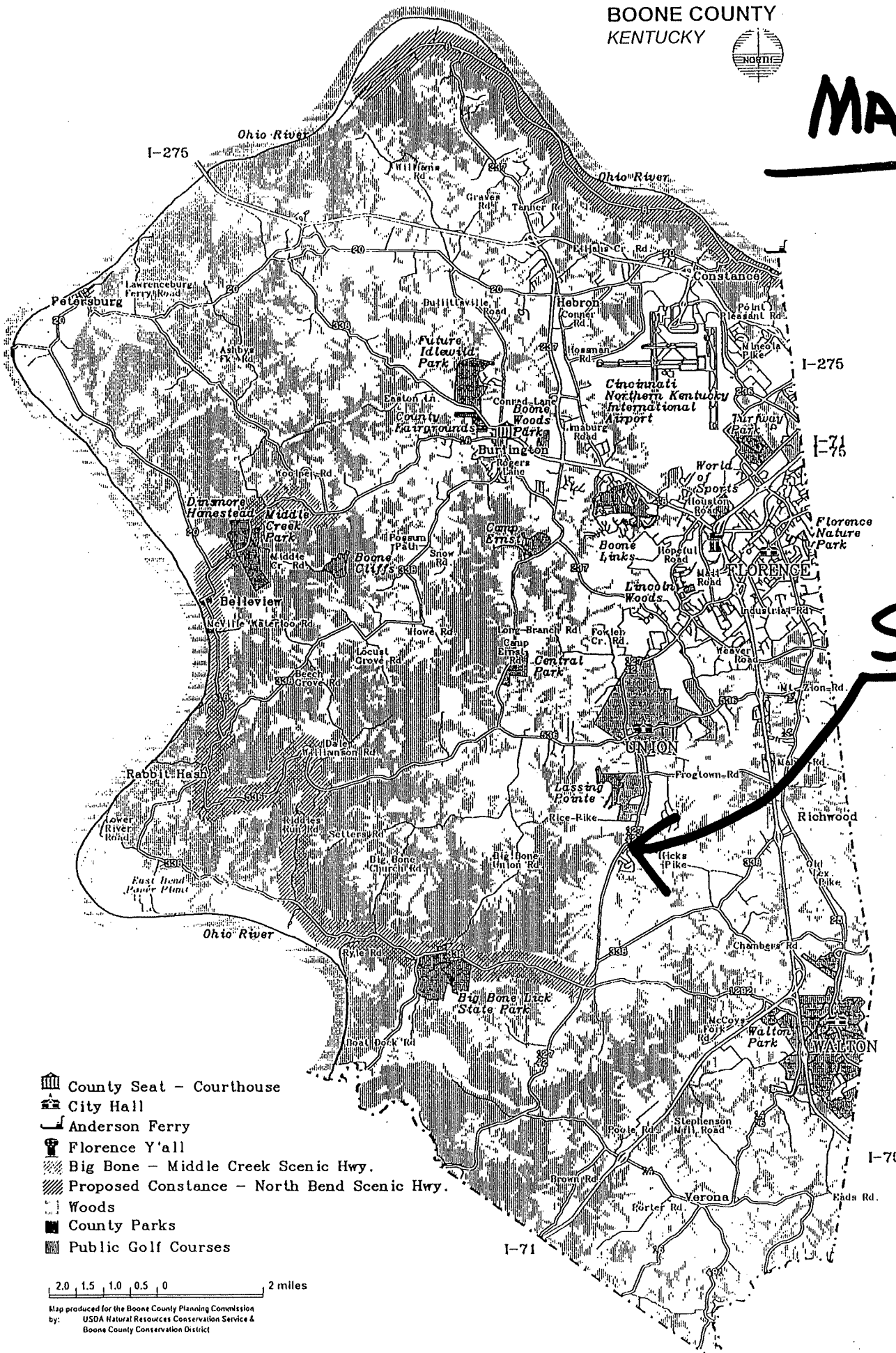











Jeffrey F. Hayes, AICP
Planner

JFH\par



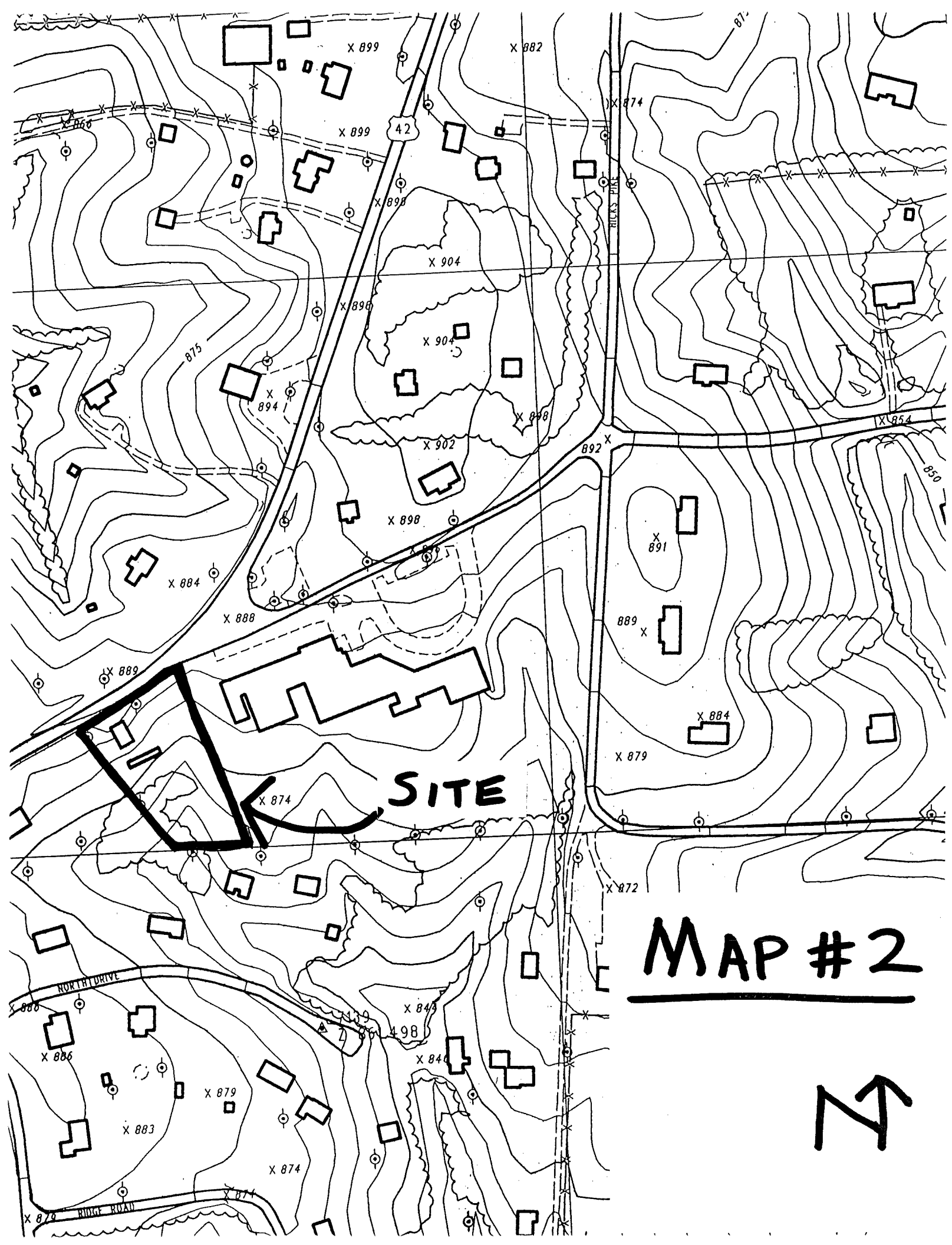
MAP #1



-  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

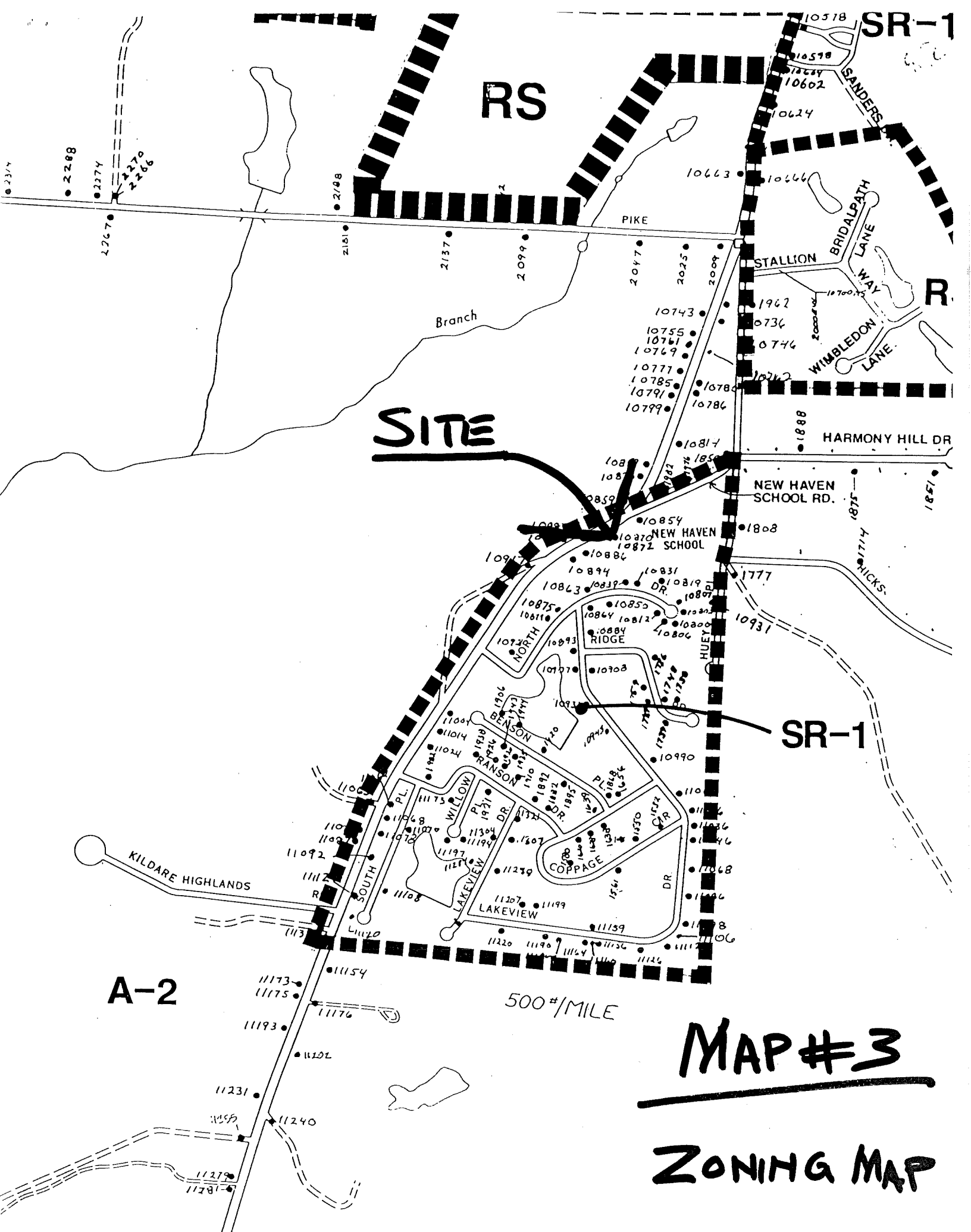
Map produced for the Boone County Planning Commission
by: USDA Natural Resources Conservation Service &
Boone County Conservation District



SITE

MAP #2





RS

SITE

SR-1

SR-1

A-2

500' / MILE

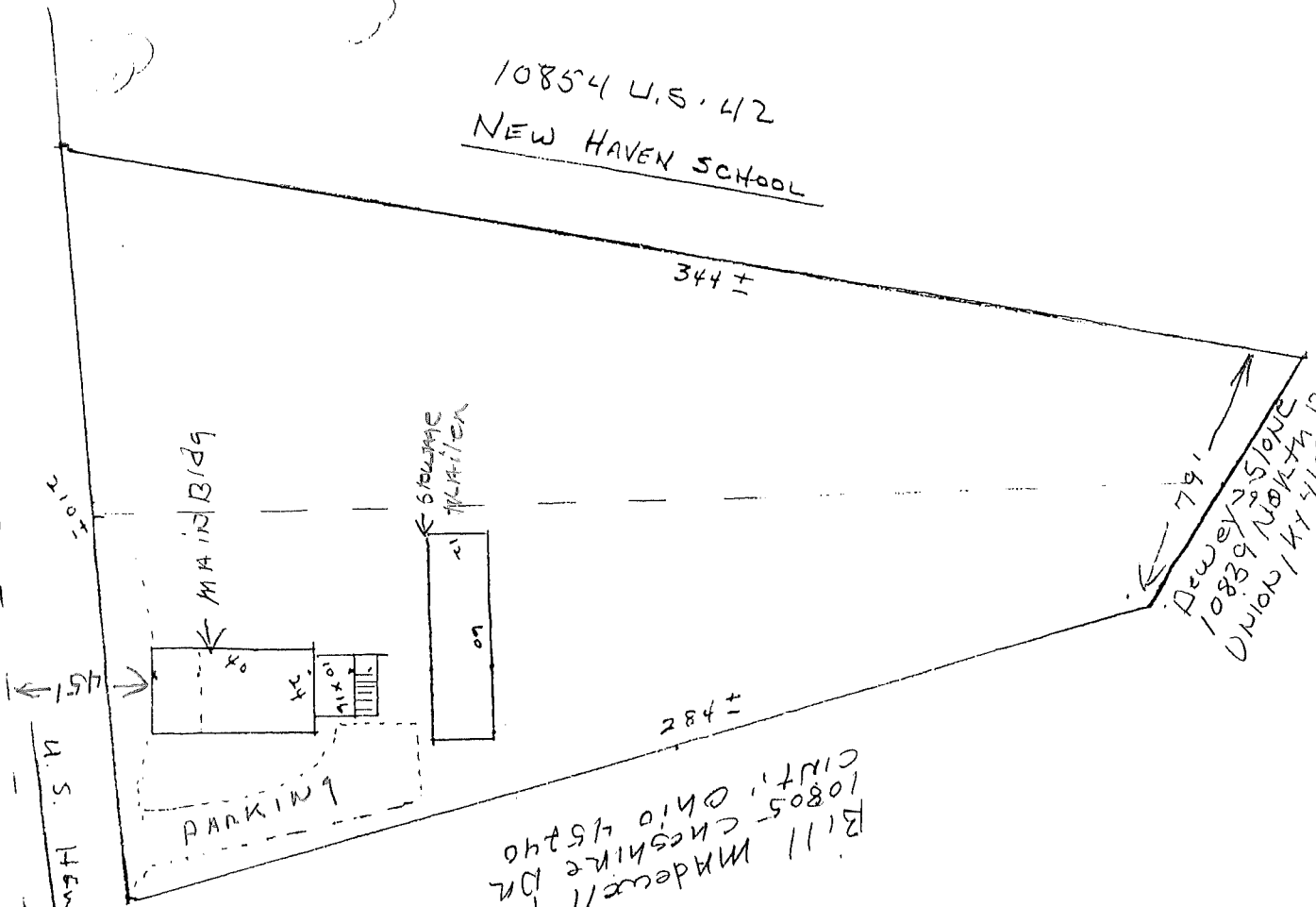
MAP #3

ZONING MAP

ALMA HAMMOND PROP.
10859 U.S. 412

JACK HOWELL PROP.
10837 U.S. 412

10854 U.S. 412
NEW HAVEN SCHOOL



Dewey Stone
10839 U.S. 412
Union, KY 40319, 10A

Bill Madewell Prop.
10805 CHESHIRE DR.
CANTON, OHIO 45240

COPY

CLUR # 96-BCBOA-012-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Joseph O Lay
1895 Benson Place
Union, Kentucky 41091

2. ADDRESS OF PROPERTY

10872 U.S. 42
Union, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 193

PAGE NO: 370

GROUP NO: 2069

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: Change In Non-Conforming Use

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

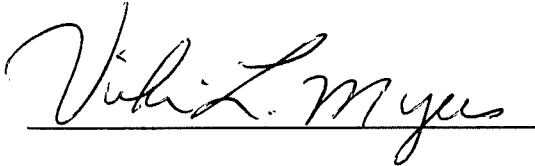

SIGNATURE OF COMPLETING OFFICIAL

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.

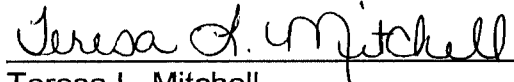


NOTARY PUBLIC, State at Large

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 and Change In Non-Conforming Use 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-012-A), for Joseph O Lay, Property Owner.

The following conditions will apply: (1). There is to be no outside storage on the property. (2) the hours of operation will be Monday thru Saturday, 7:00 A.M. to 7:00 P.M. (3) The mobile home trailer shall be removed.

The approved Conditional Use Permit the preceding conditions apply to the property described in: DEED BOOK 193 PAGE NO. 370 Group No. 2069