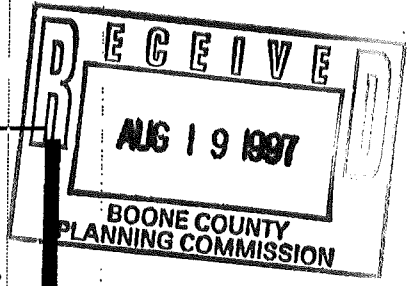


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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 Rodney Williams
Phone Number 331-4137 Fax No. _____
Applicant's Address 2958 Dixie Hwy.
Crestview Hills KY 41017
City State Zip
- 4. Description of Request: change of Nonconforming Use from residence to pawn and check cashing business.
- 5. Name of Development _____
- 6. Location of Development 385 Mt. Zion Rd. Walton Haven
Florence, Ky 41042 292-2170
- 7. Acreage Under Review .4 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Elmer Cox
Phone Number of Owner (407) 630-7631
- 10. Address of Property Owner Cocoa Florida
City State Zip
- 11. Proposed Use(s) on Site Retail sales, credit services
- 12. Total Square Footage of Existing and/or Proposed Buildings 1800 / 4000
- 13. Current Zoning on Property C-3
- 14. Deed Book 208 Page No. 85 Group No. 2058
- 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? Preliminary
- 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: Rodney Williams

Property Owner's Signature: _____

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

9/16/97

* \$193.00 R# 14705

SECTION B (To be completed by the Boone County Planning Commission Staff)

- 1. Date Received 8/19/97 Fee Received \$514.00 R 14437
- 2. Is application complete? Yes
- 3. Staff Reviewer [Signature] Yes _____ No _____
- 4. Scheduled Board Action Date 10/8/97
- 5. Board Action:

- Approved
- Approved with Conditions (See #6)
- Denial (See #7)

* Additional fee for
Publication of legal ad
Notification of property
owners.

- 6. Conditions of Approval: SEE 10/8/97 BOA 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

APPLICANT: Rodney Williams
LOCATION: 385 Mt. Zion Road, Boone County, Kentucky
ZONING: Commercial Services (C-3)
DATE: October 8, 1997

Proposal

The applicant is requesting a Change in Non-Conforming Use to allow a pawn shop and check cashing business at 385 Mt. Zion Road, Boone County, Kentucky. The property contains a house, which has most recently been used as a residence in conjunction with a radio/television/VCR repair shop. Current Boone County tax records recognize the property as a residence. The property is approximately .4 acres in size with 115 feet of frontage along Mt. Zion Road. The house is located on the north portion of the property approximately 23 feet from the property line/Mt. Zion Road right of way. The lot is immediately east of the entrance to Sherwood Lakes. The applicant has submitted a Concept Development Plan and proposal statement along with the application for the Change in Non-Conforming Use. The plan and statement are included in this Staff Report. In addition to the requested change of use, the applicant has proposed the following:

1. Demolition of the existing 2,350 sq. ft. residence
2. Construction of a 4,000 sq. ft. commercial building. 2,000 square feet would be used for the pawn shop and check cashing business and the other 2,000 square feet for a business that is permitted in a Commercial Services (C-3) zoning district.
3. 19 space parking lot in front of the proposed building

The applicant's proposed use is listed as a principally permitted use in the Boone County Zoning Regulations in a Commercial Two (C-2) zoning district. A pawn shop is not a permitted use in a Commercial Services (C-3) zoning district. The use of a residence in a Commercial Services (C-3) zoning district also constitutes a Non-Conforming Use.

It is the applicant's contention that the proposed use, a pawn shop and check cashing business, is more conforming with intent and purpose of a Commercial Services (C-3) zoning district than the use of a residence. It is also the applicant's position that the existing structure (house) is non-conforming and does not meet the front, side, and rear yard setbacks of the district, specifically the minimum 50' front yard setback. The existing

house sits approximately 23 feet from the property line. The new building would be located on the site so that it complies with all building setbacks. The new building location would create the opportunity to provide parking in the front portion of the lot between the building and Mt. Zion Road.

Surrounding Land Uses and Zoning

The property immediately north of the site, across Mt. Zion road is an undeveloped site zoned Industrial Two (I-2). Sam Neace Boulevard begins on the north side Mt. Zion just east of the site. The east side of Sam Neace Boulevard is zoned Commercial Four (C-4) and includes the new Thriftway Marketplace. The property on the east side of the site is a house which is used as a residence. This property is zoned Commercial Services(C-3). Behind the site, to the south is a field, zoned Commercial Services (C-3) and Sherwood Lakes Condominiums, zoned Urban Residential One (UR-1). A vacant lot, west of the site, used to be a residence. This property is zoned Commercial Services (C-3). Immediately west of this vacant lot is the entrance to condominium development (Sherwood Lakes Drive) and a Shell Gas Station.

Staff Concerns/Comments

It is Staffs' opinion that the applicant's proposed use, including a new commercial building and parking lot, conforms with the general intent of the Commercial Services (C-3) district more so than the existing residence, even if the proposed use is non-conforming, because it is a commercial use in a commercial district. Therefore, Staff contends that the proposed use is "less" non-conforming than the existing use. This opinion is also based in part on the fact that the applicant has indicated that the proposed non-conforming use would occupy only half of the proposed new building, or roughly the same amount of space as the existing non-conforming use (residence). If the Board agrees with the applicant that the proposed use, including the new building and parking is less non-conforming than the residence, Staff reminds the applicant that:

1. The applicant is responsible for meeting all supplemental performance standards of the C-3 zoning district which includes height, intensity, open space, setbacks, parking, landscaping, etc.
2. The applicant will be required to submit a Site Plan to the Planning Commission for approval before any construction occurs.
3. The Change in Non-Conforming Use to allow a pawn shop and check cashing business would only be permitted to occupy half of the commercial building as indicated by the applicant.
4. If approved, the business would be permitted a 115 square foot sign at a height of 25 feet.

Conclusion

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 should review the applicant's request with regard to the compatibility of the proposed non-conforming use with the surrounding area compared to the existing non-conforming use and the surrounding area within this Commercial Services (C-3) district. 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 accordance with other provisions of this order.

Respectfully Submitted,

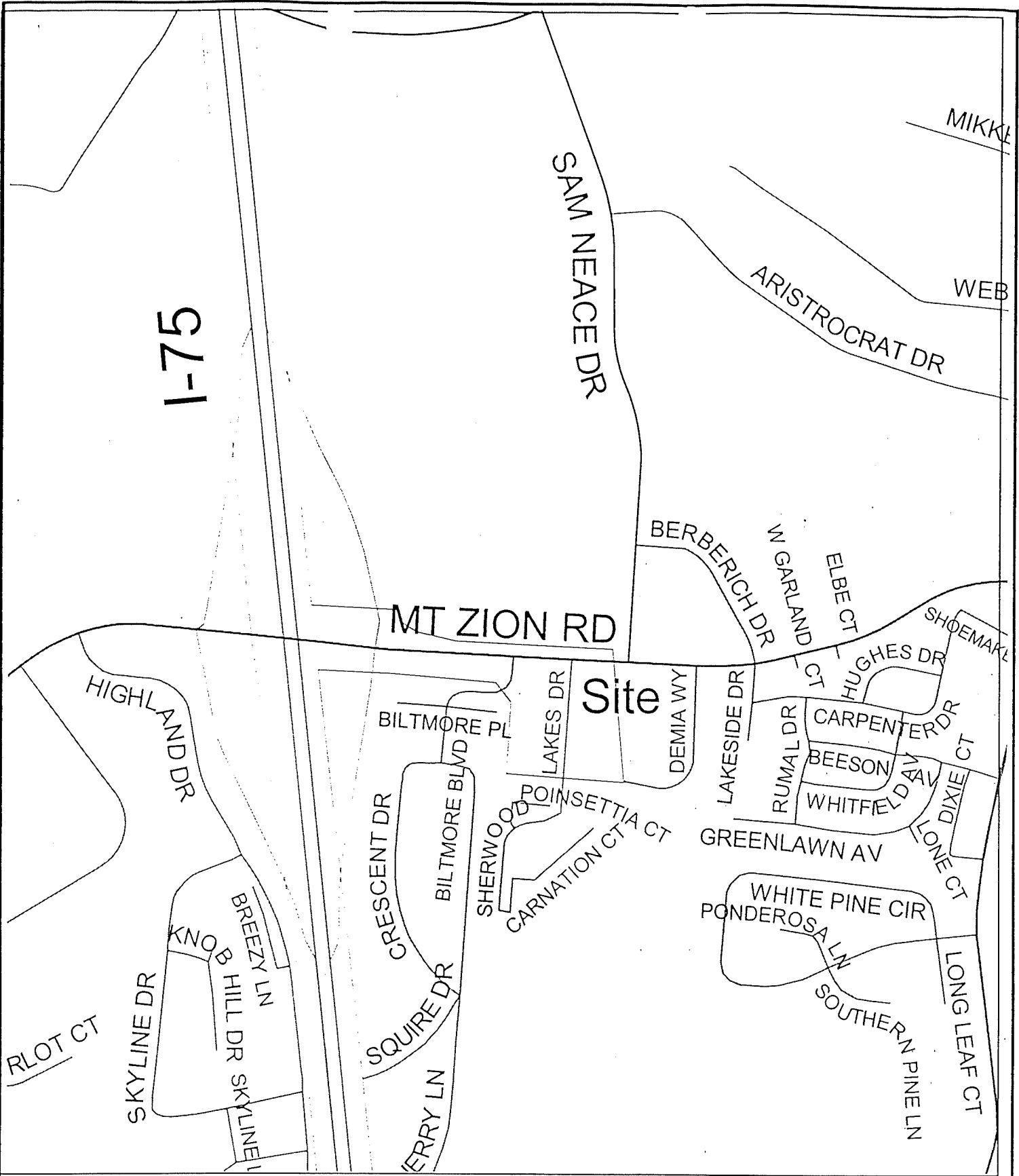


Edward Coleman
Planner

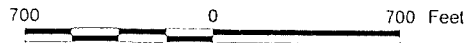
EC\pr

Attachments

- Location Map
- Zoning Map
- Aerial Photo
- Concept Development Plan
- Proposal Statement

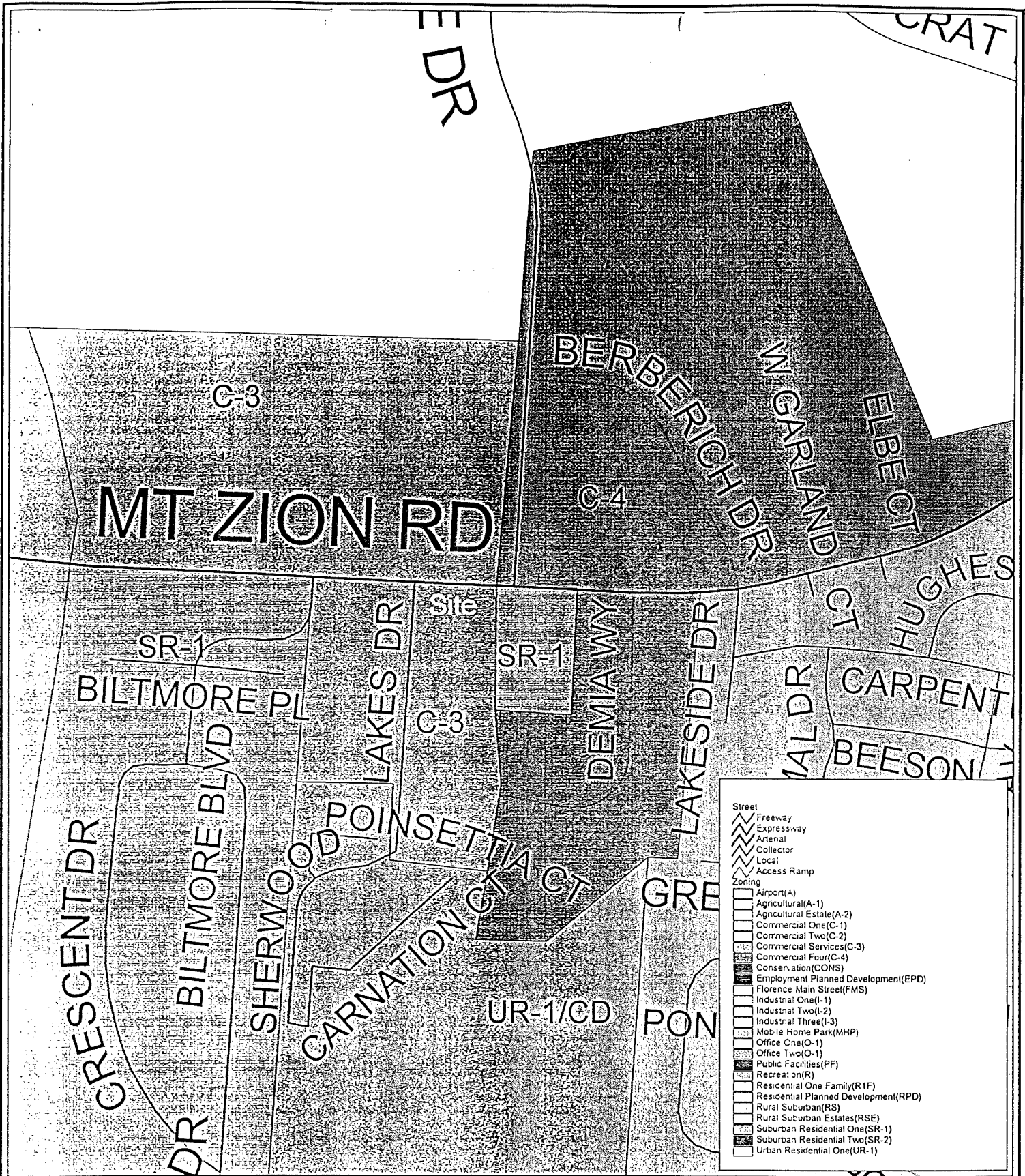


385 Mt. Zion Road



1 inch equals 700 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 3, 1997

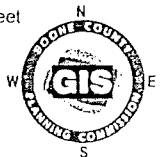




385 Mt. Zion Road

400 0 400 Feet

1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 3, 1997

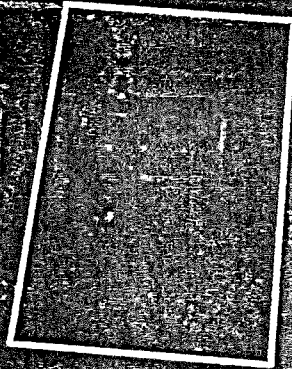


Mt. Zion Road

Sam Neace Blvd

Lakes Dr

Sherwood



385 Mt. Zion Road

100 0 100 Feet

1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 3, 1997



In addition to the nonconforming use, this property also contains a nonconforming structure. The acquisition of additional right-of-way by KDOT, has resulted in the building having a front yard setback of only 23 feet, and this zoning district requires a minimum of 50 feet for the front yard. While it is possible to renovate and use the existing building, it will not be possible to provide parking and landscaping in the front yard. If the Board would recognize the need to remove nonconforming structures as being consistent with the code, the applicant would like to remove the residential structure and build a contemporary commercial structure 4000 square feet in area (40' x 100'). The plan would provide sixteen parking spaces and a minimum 5 feet of landscaping between the parking and the street. The applicant could then use half of the space and lease the remaining area to one or two other businesses allowed in the C-3 zone. It is understood that this plan would have to be submitted for site plan approval prior to construction.

In summary, the applicant is requesting a change of nonconforming use and permission to construct a new commercial building on the site. It is believed that this proposal is within the scope of the Board's authority and that it will be more consistent with the existing zoning and the comprehensive plan.

10-8-97

COPY

CLUR # 97-BCBOA-012-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Elmer Cox

Cocoa, Florida

2. ADDRESS OF PROPERTY

385 Mt. Zion Road

Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Pawn and Check Cashing Business

DEED BOOK: 208

PAGE NO.:85

GROUP NO.:2058

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

Zoning Map Amendment:
From to

Conditional Use Permit

Development Plan

Conditional Zoning

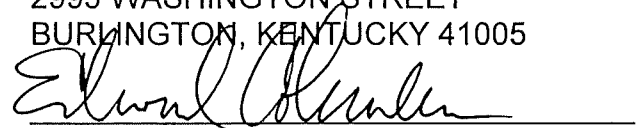
Subdivision Plat
(Unrecorded)

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

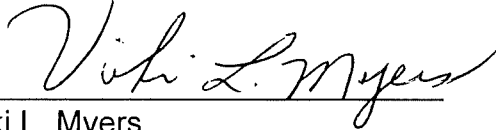
Edward Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 30th day of October 1997.

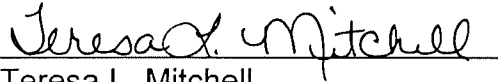


Vicki L. Myers
Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 Change In Non-Conforming Use approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 8, 1997 Certificate of Land Use Restriction (# 97-BCBOA-012-A), for Elmer Cox, Property Owners

The following conditions will apply: 1). No Conditions

The approved Change In Non-Conforming Use as well as the preceding conditions apply to the

property described in:

DEED BOOK :208

PAGE NO. 85

Group No. 2058