

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
OCT 17 1997
BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
 - Applicant's Name KEN R. TAYCE
Phone Number 384-3664 Fax No. SAME
Applicant's Address 10607 KIMBERLY DR.
UNION Ky 41091
City State Zip
 - Description of Request: To operate WHOLESALE AUTO SALES
 - Name of Development RUSSELL AND BETTY RANKIN PROP
 - Location of Development US 42, FLORENCE
 - Acreage Under Review 1 ACRE .8 ACRES
 - Lot Number and Name of Subdivision (if part of a subdivision)
NONE
 - Owner of Property RUSSELL & BETTY RANKIN
Phone Number of Owner 606-341-8071
 - Address of Property Owner 112 WARWICK CT CRESTVIEW HILLS, Ky 41017
City State Zip
 - Proposed Use(s) on Site WHOLESALE AUTO'S
 - Total Square Footage of Existing and/or Proposed Buildings 4000 S.F.
 - Current Zoning on Property I-1
 - Deed Book 244/293 Page No. 88/65 Group No. SEE EXHIBIT 6-2
 - Is the site subject to a zone change? NO 3048 A
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? _____
 - Have you submitted a list of adjoining property owners with this request? YES
 - 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: [Signature]

Property Owner's Signature: [Signature]

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff) \$6.00 R#15004

1. Date Received 10-17-97 Fee Received \$708.00 R# 14975
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer Edward Johnson
4. Scheduled Board Action Date 11/2/97
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: Russell and Betty Rankin Property
APPLICANT: Ken R. Tayce
LOCATION: 8483 Hwy 42, Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: November 12, 1997

Proposal

The applicant is requesting a Conditional Use Permit to allow the operation of a wholesale vehicle sales business on a .8 acre site, located at 8483 Hwy 42, Boone County, Kentucky. A Site Plan was approved for the property by the Planning Commission in December of 1994. The site contains a 2,400 square foot building which is currently occupied by Four D Body Shop, a business that repairs automobiles.

Action by the Board of Adjustment and Zoning Appeals

Article 11, Section 1133 of the Boone County Zoning Regulations permits wholesale vehicle sales within an Industrial One (I-1) zoning district as a Conditional Use. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 1133 of the Boone County Zoning Regulations:

The following uses and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:

- 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.

Surrounding Land Uses and Zoning

The Boone Kenton Tobacco Warehouse is located north of the site and is part of the Industrial One (I-1) zoning district that surrounds the site to the north west and south. The Boone Steel Corporation occupies the building immediately west of the site. Florence Winnelson Plumbing Supply is located south of the site and is using part of the applicant's

site for outside storage of large storm pipes and concrete manholes. The Tamarack Trace Apartments are located east of the site. The apartments are part of an Urban Residential One (UR-1) zoning district that extends beyond the east side of Weaver Road.

Staff Concerns & Comments

1. The approved Site Plan from December 1994, included a row of evergreen trees to be planted along the northern side of the site. The purpose of the evergreen trees was to help screen the site from the adjacent apartments. These trees have never been planted. Staff suggests that if the Conditional Use Permit is approved, the property owner should be required to install the trees, as indicated on the Site Plan, before the applicant occupies the premises.
2. The applicant's request is a permitted conditional use within the Industrial One (I-1) zoning district. The use of the site for retail sales of automobiles is prohibited.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit to allow a wholesale vehicle sales business at 8483 Hwy 42, Boone County, Kentucky. It is Staffs' opinion that the proposed Conditional Use will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations, if the Staff Concerns can be adequately addressed. Staff also contends that the proposed use would not impact the site any differently than the existing auto body shop, which currently stores automobiles and automobile parts on the site, outside of the building.

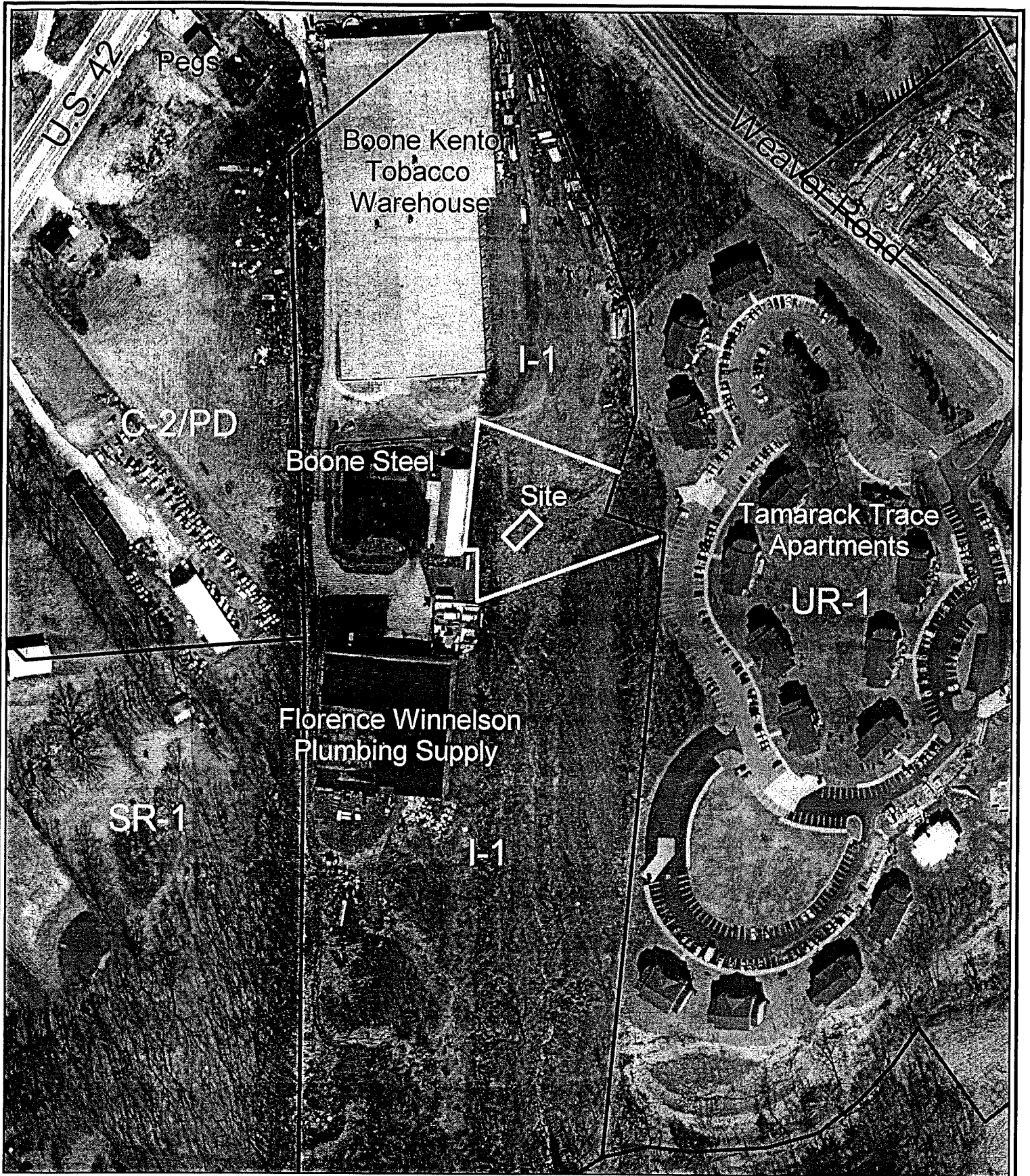
Respectfully Submitted,



Edward Coleman
Planner

EC\pr

Attachments
-Location Map
-Site Map
-Approved Site Plan



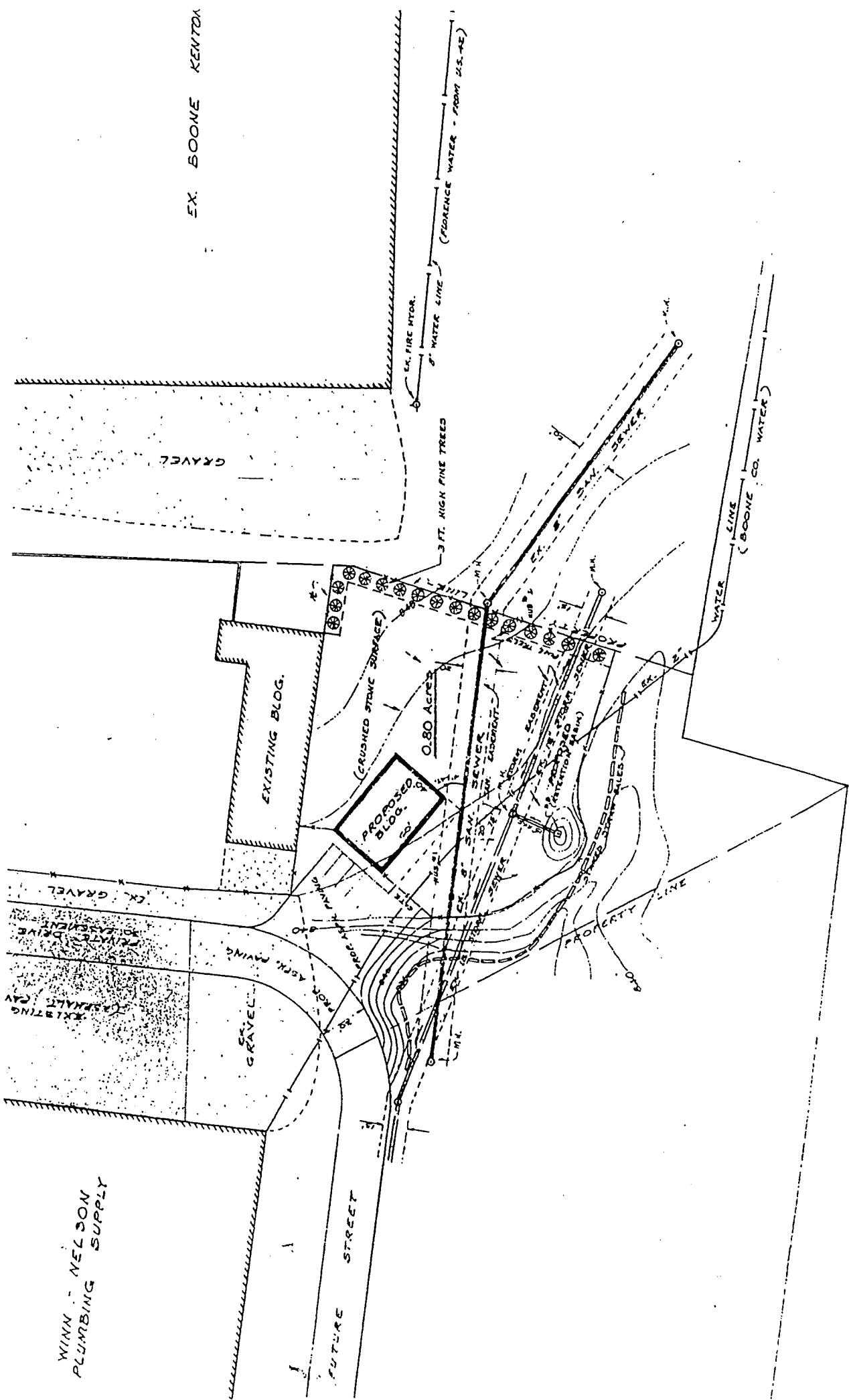
Russell Rankin Property

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 5, 1997



WINN NELSON
PLUMBING
SUPPLY



EX. BOONE KENTON

COPY

CLUR # 97-BCBOA-016-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Russell and Betty Rankin
112 Warwick Ct.
Crestview Hills, Kentucky 41017

ADDRESS OF PROPERTY

8483 Hwy 42
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Wholesale Vehicle Sales

DEED BOOK: 244/293

PAGE NO.:88/65

GROUP NO.:2048A

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

Zoning Map Amendment: X Conditional Use Permit
From to

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



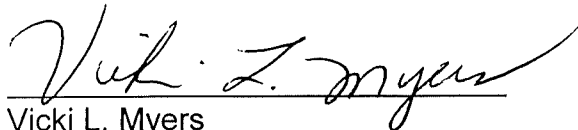
SIGNATURE OF COMPLETING OFFICIAL

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 21st day of November 1997.

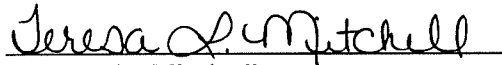


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of November 12, 1997 Certificate of Land Use Restriction (# 97-BCBOA-016-A), for Russell & Betty Rankin, property Owners

The following conditions will apply: That not more than five cars will be on the site at one time.

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

described in: DEED BOOK 244/293 PAGE NO. 88/65 Group No. 2048 A