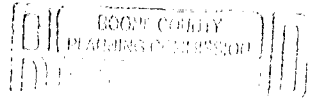


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

JAN 24 2007

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) [checked] Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name H. B. Deatherage
Phone Number 859-512-2247 Fax No. 859-331-3897
Applicant's Address 827 Woodside Court
Villa Hills KY 41017
4. Description of Request: Automotive Repair Facility & Car Wash services for vehicles (Section # 1023) P9 10.7
5. Name of Development Deatherage Enterprises Inc
6. Location of Development 6602 Dixie Hwy Florence KY
7. Acreage Under Review [redacted] Approximate 0.77
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Harold & Judi Deatherage Deatherage Enterprises Inc
Phone Number of Owner 859-331-2554
10. Address of Property Owner Villa Hills KY 41017
11. Proposed Use(s) on Site Automotive Repair Facility
- See Attached - Page 40.3
12. Total Square Footage of Existing and/or Proposed Buildings 6500
13. Current Zoning on Property C2
14. Deed Book 367 Page No. 90 Group No. 2034B
15. Is the site subject to a zone change? N/A
16. Have you submitted a Site Plan with this request? N/A
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: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature] Judi Deatherage Deatherage Enterprises Inc

**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 1-24-07 Fee Received \$1921.00 RA 52338
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ **Approved**  
2/14/07 **Approved with Conditions (See #6)**  
\_\_\_\_\_ **Denial (See #7)**
6. Conditions of Approval: SEE 2/14/07 FBOA  
MEETING MINUTES  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page**

**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: H. B. Deatherage

LOCATION: 6202 Dixie Highway, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: February 14, 2007

### PROPOSAL

The applicant is requesting a Conditional Use Permit so the building (former Jiffy Lube and Tail Gators) located at 6202 Dixie Highway can be occupied by an automotive repair facility with wash services for vehicles.

Article 40, Section 4000 of the Boone County Zoning Regulations defines an automotive repair facility as "a business establishment that repair, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing.

### Site History

- 3/19/87 – The property owner applied for a Conditional Use Permit to allow the construction of an oil change and lube business with a car wash. The Florence Board of Adjustment approved the request with the following conditions:
1. The permit is for the lube and oil change facility only. The applicant could reapply after one year to include the car wash;
  2. The proposed curb cut onto Dixie Highway shall be eliminated;
  3. The applicant shall grant the adjoining property owner access as long as it is used residentially;
  4. The applicant agrees to develop shared access with the adjoining property owner should the property ever be developed commercially.
- 5/13/87 – The property owner applied for a Conditional Use Permit so the Board could reconsider the car wash and the elimination of the curb cut on Dixie Highway from the 3/19/87 meeting. The Florence Board of Adjustment approved the car wash with the following conditions:

1. Twenty (20) cars shall be allowed to stack in any operational day.
2. Action on the curb cut is to be delayed until Site Plan Review.

### APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order.

Article 10, Section 1023 of the Boone County Zoning Regulations permits automotive repair facilities and wash services for vehicles as Conditional Uses within the Commercial Two (C-2) district.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 & 1023 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to 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 same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 10, Section 1023 of the Boone County Zoning Regulations allows an "automotive repair facility and wash services for vehicles" as Conditional Uses in the Commercial Two (C-2) district provided that:

- a. the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- b. the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
- c. the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Commercial" and "Suburban Residential" uses. These designations are defined as follows:

Commercial - "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Suburban Residential - "Single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The following Goals & Objectives from the 2005 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

#### SURROUNDING LAND USES & ZONING

North: Vacant Lot (C-2 & SR-2)

South: Dixie Highway, Honda of Florence, Law Office, KY Rifle, and Vacant Building (C-2)

East: State Farm Insurance (C-2) and Single-Family Dwellings on Lexington Ave. (C-2 & SR-2)

West: Nicholas Street and Computer Mania (C-2)

SITE CHARACTERISTICS

The approximate 0.77 acre site is located on the northeast corner of Dixie Highway and Nicholas Street. The two-story building is approximately 7,000 square foot in area and contains four automotive repair bays and an upper story office area. Access to the parking lot is provided from two curb cuts which connect to Nicholas Street. The adjoining property to the rear is undeveloped and is heavily wooded.

STAFF COMMENTS

1. The Conditional Use Permits approved in 1987 allowed the owner to open an oil change and lube and wash services operation (Deatherage Oil Center) on the lot. Since this time, other automotive repair businesses such as Jiffy Lube and Tail Gators have been allowed to move into the building because the operations did not include major engine work, transmission repair, body work, or painting.

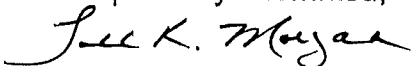
The applicant informed Staff that he wants flexibility to lease the building to a tenant whose business operation includes any of the activities listed in the automotive repair definition (see the "Proposal" section of the Staff Report). He also wants the flexibility to keep the indoor wash services.

2. Staff's only concern with the request is that automotive repair definition includes body work and painting. Staff is concerned about these activities because the site is in close proximity to residential dwellings on Nicholas Street and Lexington Ave.
3. Staff recommends that the following conditions should be imposed if the Board approves the request:
  - A. Body and paint work shall be prohibited on the site; and
  - B. The trash dumpster which is currently located near the Nicholas Street right-of-way shall be relocated to the northeastern portion of the parking lot. The dumpster shall also be brought into compliance with the enclosure requirements found in Section 3151 of the zoning regulations.

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request.

Respectfully submitted,



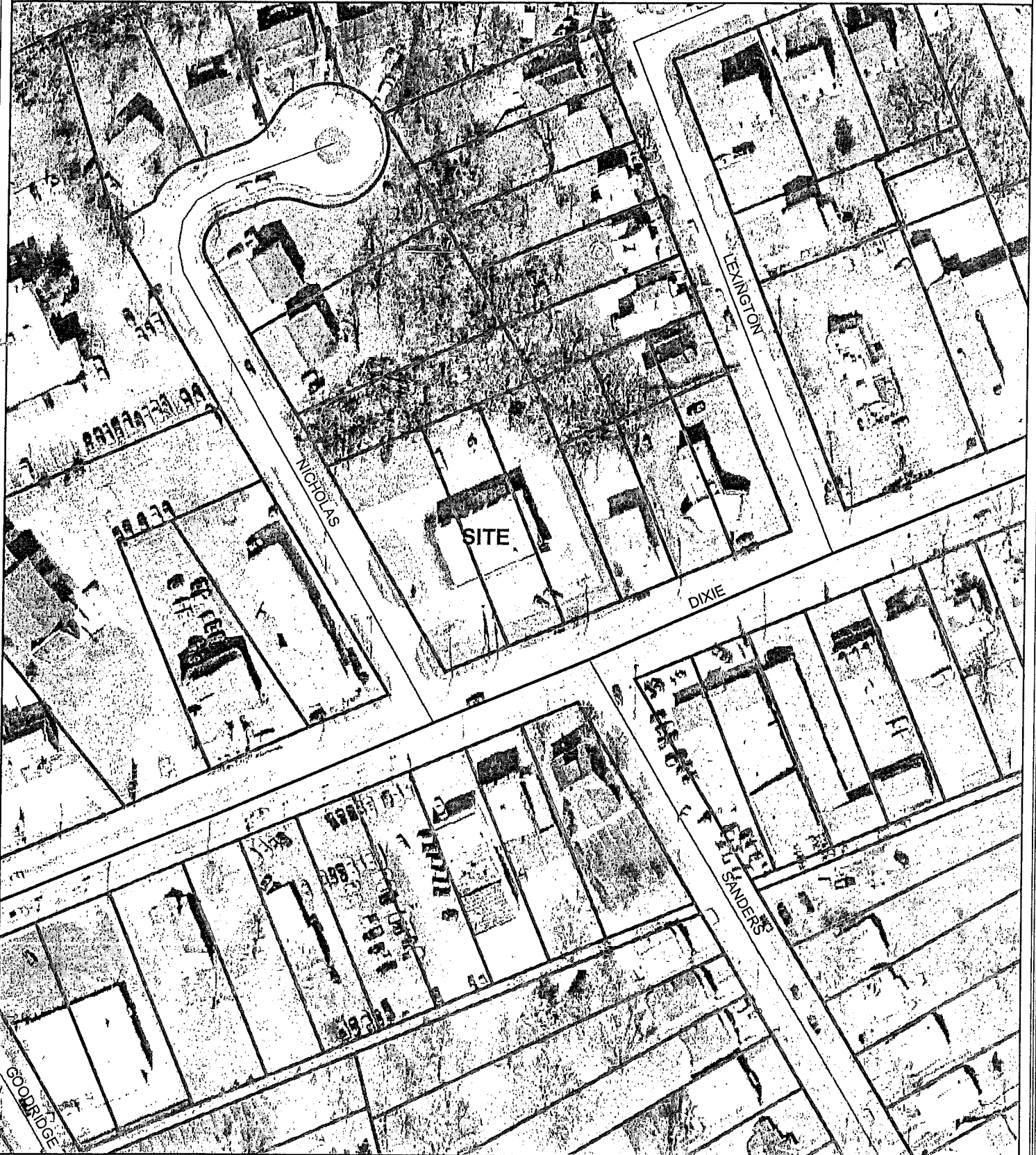
Todd K. Morgan, AICP  
Senior Planner, Zoning Services

Attachments

- \*Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*3/19/87 Meeting Minutes
- \*5/13/87 Meeting Minutes
- \*Application

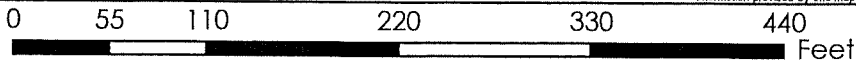
# 6602 Dixie Highway

www.boonecountygis.com



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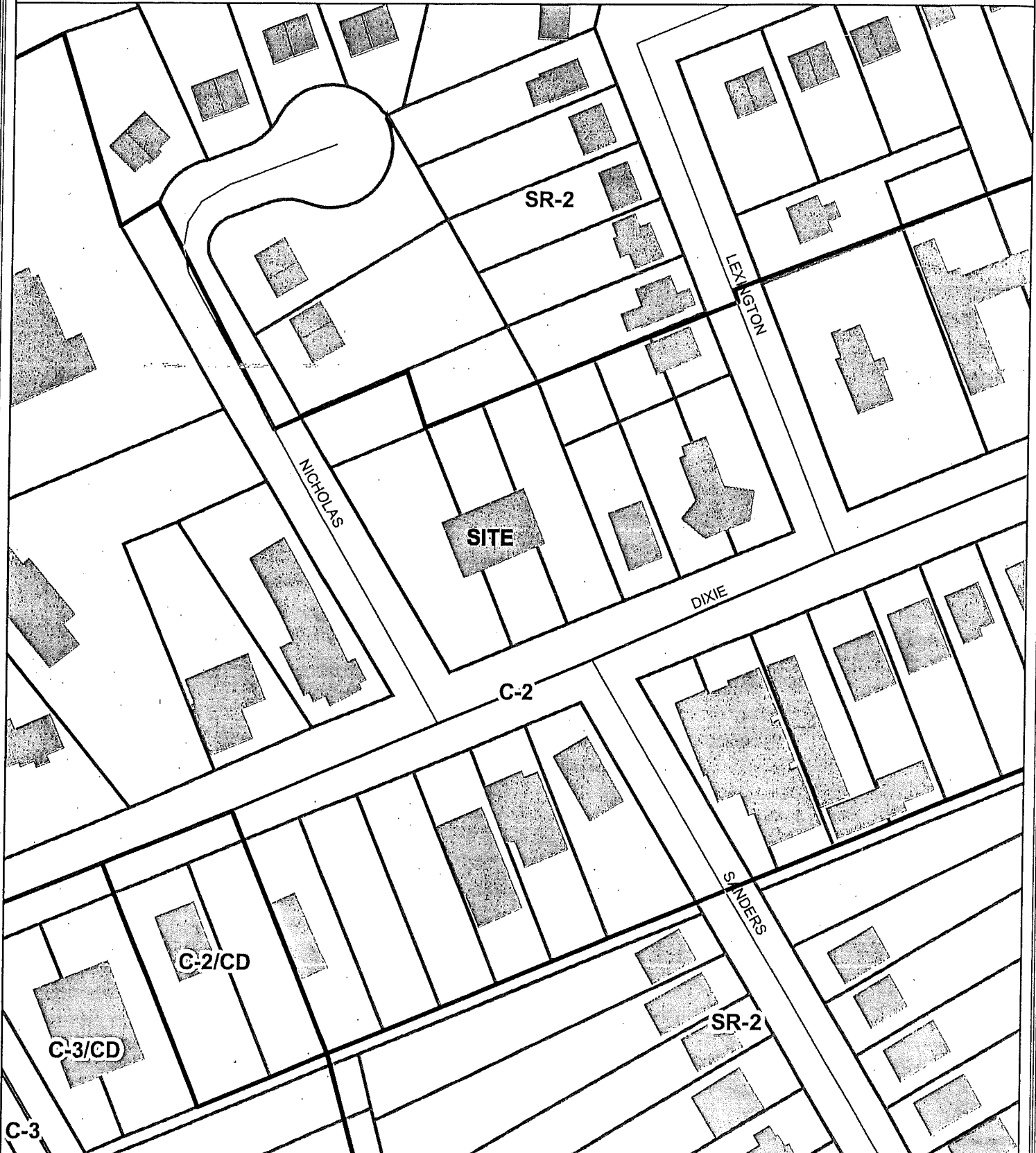


**Boone County GIS - Putting Northern Kentucky on the Map**



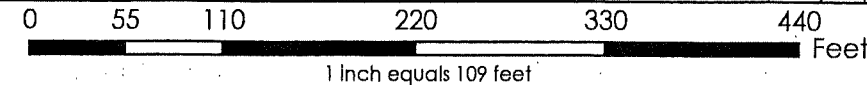
# 6602 Dixie Highway

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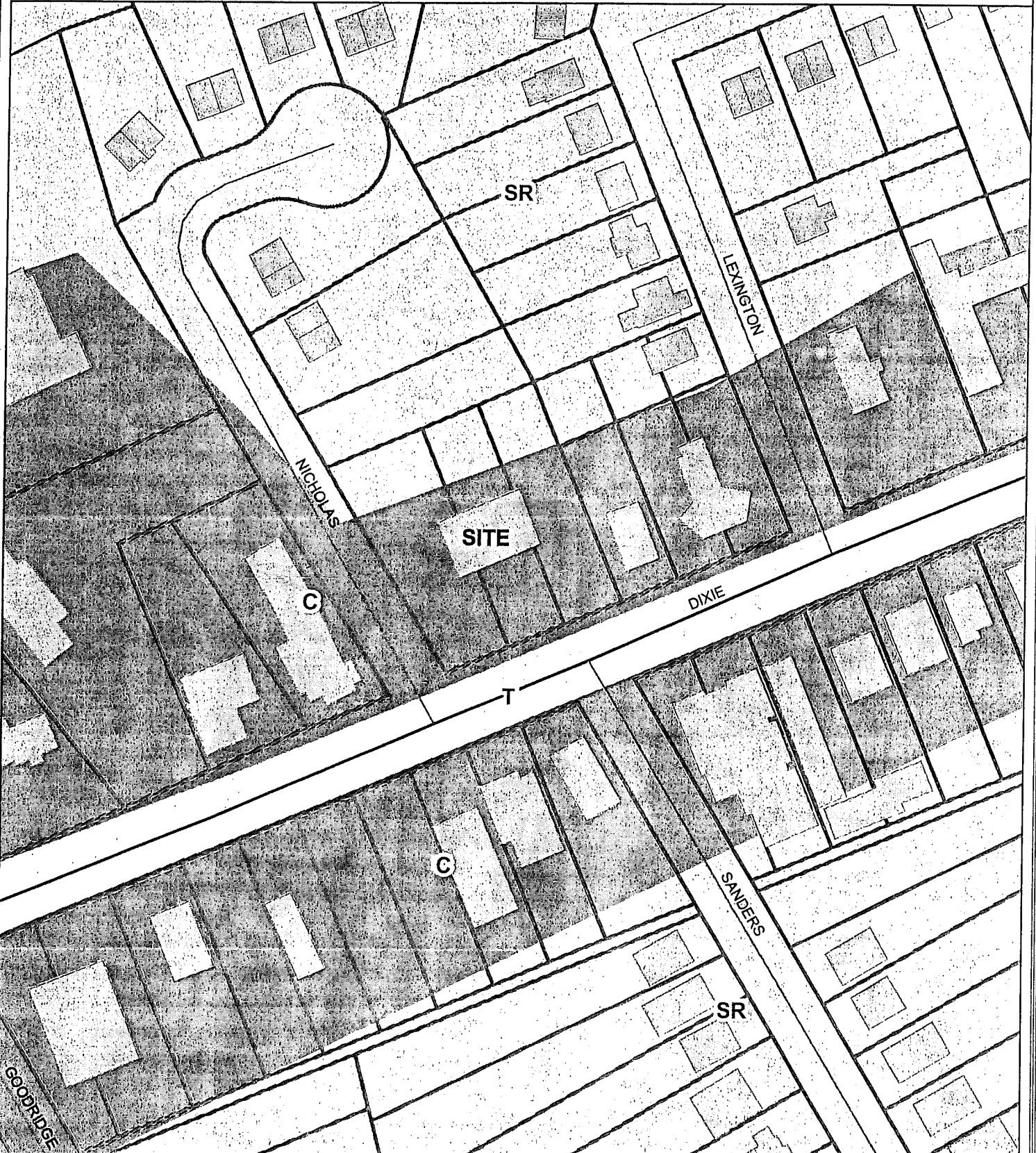


**Boone County GIS - Putting Northern Kentucky on the Map**



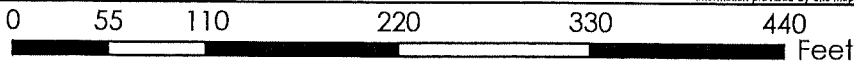
# 6602 Dixie Highway

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**Boone County GIS - Putting Northern Kentucky on the Map**

CITY OF FLORENCE  
BOARD OF ADJUSTMENT  
MARCH 19, 1987  
7:30 P.M.

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Chairman Holland called the meeting to order at 8:05 p.m.

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Chairman Holland  
Mr. White

BOARD MEMBERS NOT PRESENT:

Ms. Lanigan

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

AGENDA ITEMS

1. The request of Mary Jo Menning for side yard variance to allow the expansion of an existing day care facility. The 0.46 acre site, located at 8230 and 8228 U.S. 42, Florence, is currently owned by Dorothy Patten and is zoned Commercial Two (C-2).

Thomas Breidenstein presented the Staff Report and a slide presentation. Mr. Breidenstein explained that the variances were needed since there are two (2) properties involved.

Chairman Holland asked if there was anyone who wishes to speak in regard to the application. Ms. Menning briefly described her plans for the property. In response to a question from the Board, Staff Member Tom Breidenstein stated that the property owner, Ms. Dorothy Patten, was aware of the request, since she had signed the application.

After further discussion, Mr. White moved to approve the requested variances to allow the expansion of the day care center. The motion was seconded by Mr. Holland.

Chairman Holland asked for a roll call vote on the motion which found all Board members in favor. The motion passed unanimously.

2. The request of Harold and Judi Deatherage for a Conditional Use Permit to allow the construction of a lube and oil change facility with a car wash. The 0.92 acre site, located at the northwest corner of Nicholas Street and Dixie Highway, is owned by Harold and Judi Deatherage and is zoned Commercial Two (C-2).

Staff member Tom Breidenstein presented the Staff Report and a slide presentation. Mr. Breidenstein stressed the concerns staff had about the site plan, including shared access, the curb cut onto Dixie Highway, the construction of a sidewalk and signage. The Chairman asked if there was anyone present to speak on behalf of the request.

Mr. Harold Deatherage described his intentions for the property. He explained the need for the curb cut onto Dixie Highway and questioned the shared access to the adjoining property. He had no problem with the addition of a sidewalk. Mr. Deatherage further explained that the primary use of his property would be the oil changes. He anticipated giving away a free car wash for each oil change and charging money for a car wash without an oil change. Therefore, the car wash would be an accessory to the oil change. He did not anticipate a large volume of traffic.

The Chairman asked if there was anyone opposed to the request.

Mr. Steve O'Brien, a resident of Nicholas Street, Florence, presented a petition signed by ten residences of Nicholas who were opposed to the request. He described the neighborhood as being a cul-de-sac; therefore, there is not much traffic. There is a problem, however, whenever the business college lets out. He explained that he was concerned with additional traffic generated by the car wash coming down Nicholas and creating a potential hazard to the large number of children who play on the street. He was concerned, too, that cars lining up to go through the car wash would block off Nicholas.

Mr. Deatherage explained that since the car wash was an accessory, he did not anticipate any traffic backups. If there were a number of cars, he believed there was adequate space on the lot to stack the cars in line.

Mr. O'Brien continued to express his concerns. He asked if there would be a fence along the rear property line and whether or not the car wash machinery was going to be stationary or if cars would move through the building on a conveyor.

Mr. Deatherage answered that he was agreeable to erecting a fence. He also stated that the car wash would be safe.

Further discussion followed concerning the traffic volume that would be generated. Mr. Deatherage stated that his facility would generate much fewer traffic than would a convenience store, which is a principally permitted use. Staff member Tom Breidenstein concurred with this statement.

Mr. Spillman, owner of Colony Car Wash, addressed the Board on the issue of traffic volume to the car wash. He stated that each car wash in Florence usually has a long line of cars waiting to be washed on the weekends. This situation would definitely create a problem at the Deatherage property.

Mr. Spillman advised the Board that he was speaking as an owner of a car wash, and not as a competitor for business purposes. He further explained that, for example, after a snowfall and salt had been used on the roads, weather conditions favorable for washing cars, etc., the traffic flow increased tremendously during these times, and he was of the opinion that Mr. Deatherage was not aware, nor could be anticipate, the traffic flow that would result.

Discussion of the curb cut onto Dixie Highway followed. Mr. Breidenstein explained that a site plan for a laundromat was approved on this site in August, 1985. A 15 foot wide access onto the highway was approved at that time. The Planning Commission approved the access because it was in connection with a principally permitted use. The Board, however, when considering applications for Conditional Use Permits, must evaluate the safety of traffic approaches to the site. Staff feels that the site is adequately served by the two proposed access points onto Nicholas and that the third cut onto Dixie Highway would be dangerous.

Discussion followed on the curb cut, shared access, the volume of traffic, and signage.

Mr. White moved that the Board grant the Conditional Use Permit subject to the following conditions: 1) that the permit be for the lube and oil change facility only. The applicant could re-apply after one year to include the car wash; 2) that the curb cut onto Dixie Highway be eliminated; 3) that the applicant grant the adjoining property owner access as long as the property is used residentially; and 4) that the applicant agree to develop shared access with the adjoining property owner should that property ever be developed commercially. Mr. Ashcraft seconded the motion.

Attorney, Dale Wilson, advised that the other course the Deatherages could pursue at this point would be to re-apply. No decision was made as to the fee for the re-application.

Chairman Holland called for a roll call vote. Ashcraft and White voted in favor of the request; Chairman Holland voted against the request. The request passed.

There being no further business to come before the Board, Chairman Holland moved, seconded by Mr. White, that the meeting be adjourned. The motion carried unanimously and the meeting was adjourned.

AGENDA ITEMS:

1. A re-application by Harold and Judi Deatherage for a Conditional Use Permit to allow a car wash in connection with the previously approved oil change facility. The request is also for the Board to reconsider the elimination of a curb cut onto Dixie Highway. The 0.92-acre site, located at Nicholas Street and Dixie Highway, is zoned Commercial Two (C-2).

The Board referred to the Minutes of the March 19, 1987 Meeting at which a previous application by Harold and Judi Deatherage for a Conditional Use Permit was heard. At that meeting, the Deatherage's request was approved subject to conditions. One of the conditions was that the applicant could re-apply after one year to include the car wash (see Minutes of the Meeting, March 19, 1987).

Counselor Wilson stated that the Deatherage's have the right to reapply at this time because, (a) they have new evidence, and (b) they are not operating under the permit issued by the Board.

Staff Member, Tom Breidenstein, presented the Staff Report. Copies of the Staff Report prepared for the March 19, 1987 Meeting and the Site Plan were included as attachments to the Staff Report.

Karen Tapp, an attorney representing the applicants, stated that Mr. Les Hand and Mr. Jack Hoskins were present in behalf of the application. Mr. Hand is a contractor who helped prepare the traffic flow analysis of the property. Mr. Hoskins has made an offer to purchase the property next to the subject property.

Mr. Deatherage described the three types of car washes, including (1) full-service, (2) in-bay rollover, and (3) self-service. He noted examples of each in the area. He presented a flow chart indicating how traffic could be stacked on his property to avoid creating congestion on the roadway. He stated that the car wash will be accessory to his business. There will be no advertising of the car wash, it will be low-volume, and an attendant will always be on duty when it is operating. He is requesting the car wash to give his business a competitive edge over the competition. Mr. Deatherage stated that a "Quik Lube" will be opening one-half mile from his location. Mr. Deather stated that his building had been redesigned since the last meeting and the car wash is now on the right side. He added that should there ever be an excessive number of cars on his property for the car wash, he would shut it down as it would interfere with his main business. He indicated that the daily traffic count of Dixie Highway is approximately 26,400 cars. He said that cars "just going down the road" do not go into roll-over car washes, which is the type of car wash he is proposing.

Mr. Ashcraft stated that if the car wash is used as an incentive in connection with the services provided, then he does not see a problem with stacking. However, he stated that he is concerned that the car wash may draw customers who just want a car wash. He asked the applicant if he would be willing to restrict the use of the car wash to those people who get the other services.

Chairman Holland suggested that the number of cars allowed to be stacked be limited.

Mr. Deatherage stated that people who have gotten his services may periodically come back to get a car wash. He stated that the car wash would be free with his oil and lube services, but there would be a charge for a car wash only.

Karen Tapp, attorney, noted that if a customer were to come in for a car wash and be refused, then Mr. Deatherage would be losing a potential customer for his oil and lube business.

Mr. Ashcraft noted that if the oil and lube business was not successful, then the business could become a car wash. He stated that a car wash was not a desirable use for this site.

Mr. White noted that many of the neighbors were present at the last meeting and asked if they were notified of this meeting.

Ms. Tapp stated that the neighbors were notified. Counselor Wilson noted that notice was not legally required, and asked who notified the neighbors. Ms. Tapp stated that the notice procedure was followed. She added that she did not believe the neighbors were served notice of the last meeting and that notice is not required.

Staff Member, Tom Breidenstein, advised that the neighbors may have seen the notice in The Boone County Recorder. He added that a petition was received at the last meeting, with Mr. O'Brien indicated as the representative. Counselor Wilson stated that the neighbors may have assumed the matter was settled and that no further action would take place.

Mr. White commented that the concerns raised at the last meeting have not changed and that the neighbors should be notified to see if they are still in opposition to the request. He noted that at the last meeting the neighbors had indicated concerns for the safety of the children and the traffic. Mr. White stated that part of his reasoning for requiring that the Deatherage's wait a year before making re-application for the car wash, was to allow residents in the area time to get used to the Deatherage's business.

In response to questions from Mrs. Ward, the applicant stated that they would be open for business six days per week and would be closed on Sunday.

Mr. Hand commented that the site is zoned for business and he knows of no other business that would generate less traffic volume than a lube/oil business.

Ms. Tapp stated that the neighbors do not want any development of the subject site. She stated that the lot is currently vacant and provides a place for the children to play. She stated that traffic generated by the business will stay away from the residential area.

Mr. White noted that the problem is not the lube and oil business, but the car wash. He indicated concerns regarding the traffic when the college gets out.

Mr. Ashcraft stated that the subject site is close to the Colony Car Wash and the people will be attracted to the Deatherage's car wash to save money. He asked Counselor Wilson if a proper condition of the variance would be that only the lube and oil customers be served by the car wash.

Counselor Wilson advised that reasonable conditions may be attached to a Conditional Use. He would view such a condition as reasonable.

Mr. Deatherage stated that he could live with the condition that the car wash be for his customers only, but did not indicate that the lube and oil services and the car wash would occur during the same visit.

Mr. Les Hand stated that by not advertising the car wash, Mr. Deatherage is limiting its use to the people who come in for lube and oil services.

Chairman Holland moved that a Conditional Use Permit be issued, with a car wash. He added that a maximum of twenty (20) cars be allowed to be stacked on the lot in any operational day. Ms. Lanigan seconded the motion.

Chairman Holland asked for a roll call vote on the motion which found Ms. Lanigan, Mrs. Ward and Chairman Holland in favor. Mr. Ashcraft and Mr. White were opposed. The motion carried by a vote of 3 to 2.

Mr. Hand stated that he, Mr. Hoskins, and Mr. Deatherage had met and reached a tentative agreement regarding water runoff. He stated that Mr. Hoskins is willing to forego his curb cut and put in a common curb cut, half on his property and half on Mr. Deatherage's property. They would have one common entrance on Dixie Highway. He stated that the Highway Department had indicated that they had no objection to the proposed curb cut. Mr. Hoskins will be coming before the Board in the future with a design indicating a common curb cut for the two properties.

Mrs. Deatherage stated that the motion at the last meeting indicated that a shared access could be developed.

Counselor Wilson indicated that discussion of a common access is premature at this time and should be reviewed when presented to this Board or the Planning Commission.

Chairman Holland moved that action regarding the curb cut be delayed until Site Plan Review. Mr. Ashcraft seconded the motion.

Ms. Tapp stated that the Zoning Regulations request that common accesses be used. She added that a delay of this decision could represent additional costs to the applicant in having the construction crew return at the time the joint access is provided. She requested that the curb cut be considered at this time.

Mr. Ashcraft noted that the joint access might be an incentive to Mr. Hoskins to purchase the adjoining parcel.

Chairman Holland noted that a motion had been made and asked for a roll call vote. A roll call vote found Mr. Ashcraft, Chairman Holland, Ms. Lanigan, Mrs. Ward and Mr. White in favor. The motion carried unanimously.

Chairman Holland noted that the applicant had requested a waiver of the application fee.

Staff Member, Tom Breidenstein, stated that the application fee for a Conditional Use Permit in the C-2 Zone is \$150.

Ms. Tapp stated that the applicants had been before the Board two months ago and had paid the application fee and notice costs. She stated that since the application is essentially the same, only one application fee should be charged.

Chairman Holland disagreed with her comments and moved that the Board not allow the waiver of the fee. Mr. Ashcraft seconded the motion.

Chairman Holland asked for a roll call vote on the motion which found Mr. Ashcraft, Mr. White and Chairman Holland in favor. Ms. Lanigan and Mrs. Ward were opposed. The motion carried by a vote of 3 to 2. The applicant will be charged the application fee.

\* \* \* \*

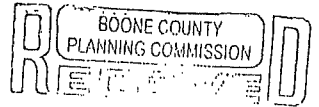
Mr. White advised the Chairman that the parking lot of the Kentaboo Baptist Church has still not been paved.

Chairman Holland requested that Mr. Breidenstein investigate the matter.

\* \* \* \*

Chairman Holland suggested that officers be elected at the June meeting.

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

JAN 24 2007

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

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name H. B. Deatherage
Phone Number 859-512-2247 Fax No. 859-331-3897
Applicant's Address 827 Woodside Court Villa Hills KY 41017
4. Description of Request: Automotive Repair Facility & CAR WASH SERVICES FOR VEHICLES (Section # 1023) P9 10.7
5. Name of Development DEATHERAGE ENTERPRISES INC
6. Location of Development 6602 DIXIE HWY FLORENCE KY
7. Acreage Under Review Approximate 0.77
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property HAROLD & JUDI DEATHERAGE DEATHERAGE ENTERPRISES INC
Phone Number of Owner 859-331-2554
10. Address of Property Owner 6602 VILLAHILLS KY 41017
11. Proposed Use(s) on Site Automotive Repair Facility - See Attached - Page 40.3
12. Total Square Footage of Existing and/or Proposed Buildings 6500.
13. Current Zoning on Property C2
14. Deed Book 367 Page No. 90 Group No. 20348
15. Is the site subject to a zone change? N/A
16. Have you submitted a Site Plan with this request? N/A
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: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature] Judi Deatherage DEATHERAGE ENTERPRISES INC

COPY

CLUR #07-FBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Harold & Judi Deatherage  
827 Woodside Court  
Villa Hills, KY 41017
2. ADDRESS OF PROPERTY  
6602 Dixie Highway  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Deatherage Enterprises, Inc.
4. DEED BOOK 367                      PAGE NO. 90                      GROUP NO. 2034B
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_
- Conditional Use Permit
- Development Plan                       Conditional Zoning
- Subdivision Plat  
(Not Recorded)                       Other:
- Variance
6. 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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

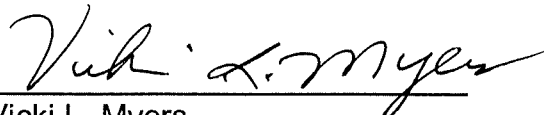
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

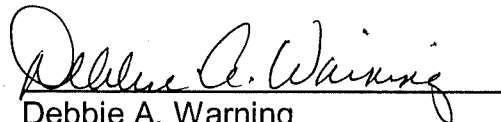
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 27 day of February, 2007.

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

My commission Expires:  
April 17, 2007

This instrument was prepared for recording purposes only by:

  
\_\_\_\_\_  
Debbie A. Warning  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
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 Florence Board of Adjustments and in accordance with the current zoning in effect as of February 14, 2007 Certificate of Land Use Restriction (#07-FBOA-001-A), for Harold & Judi Deatherage, Property Owner(s).

The following conditions will apply:

- 1) There is to be no body or paint work done on the site.
- 2) The trash dumpster currently located in the Nicholas Street right-of-way is to be fully located on the property and brought into compliance with the enclosure requirements in Section 3151 of the *Boone County Zoning Regulations*.
- 3) There is to be no outside storage of vehicles or automotive accessories overnight.

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

DEED BOOK 367

PAGE NO. 90

GROUP NO. 2034B