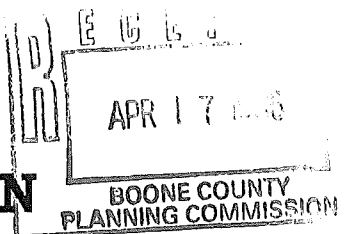


APPLICATION FORM
**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION**



(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 Rich Joseph
Phone Number (513) 922-9570 Fax No. (513) 922-5786
Applicant's Address 2439 Country Lake Drive
Cinn. Ohio 45233
City State Zip
4. Description of Request: Use existing building
For Automotive sales.
5. Name of Development J.D. Byrider
6. Location of Development 6478 Dixie Hwy.
Florence, Ky.
7. Acreage Under Review 3/4 of an Acre.
8. Lot Number and Name of Subdivision (if part of a subdivision)
Kentelboon Block "B" #2 & ect.
9. Owner of Property James Fossitt
Phone Number of Owner (606) 525-0066
10. Address of Property Owner 7839 Pleasant Valley
Florence Ky. 41042
City State Zip
11. Proposed Use(s) on Site AUTO sales
12. Total Square Footage of Existing and/or Proposed Buildings
3000 SQ. FT.
13. Current Zoning on Property Cd
14. Deed Book 358 Page No. 98 Group No. 2034 A
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? NO
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: Rich Joseph
Property Owner's Signature: James Fossitt

(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 4-17-96 Fee Received 1644.00 K.H. 9830
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 5-8-96
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: J D Byrider
APPLICANT: Rick Joseph
LOCATION: 6418 Dixie Hwy., Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: May 8, 1996

The applicant is proposing to develop a used auto dealership on a .75 acre site located on the north side of Dixie Highway near the Florence/Erlanger boundary line (See Map #1). The site is currently used as an automatic carwash call Classic Carwash. The applicant is proposing to utilize the existing building for the sales office and use the existing parking as the vehicle display area.

Article 10, of the Boone County Zoning Regulations, permit the development of small scale sales or leasing of new and used motor vehicles requiring storage of no more than fifty (50) vehicles on the premises within a Commercial Two zoning district with a Conditional Use Permit. 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 and subordinate function of a permitted commercial use, professional or personal service;
- b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center;
- 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.

Surrounding Land Uses and Zoning (See Sheet #2)

North: Single family residences zoned Suburban Residential Two (SR-2)
South: McHale's Deli and flower shop zoned Commercial Two (C-2)

East: China Foods Restaurant zone Commercial Two (C-2)

West: Single-family home zoned Commercial Two (C-2)

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as commercial. The Land Use Text does not specifically mention this site.


Staff Concerns

1. Site Plan Review will be required for the development of the site if the Board approves the Conditional Use Permit and any exterior improvements are made to the site.
2. The Board should address lighting for the site to prevent spill over lighting into the adjoining residential properties. Staff believes that security lighting is all that will be necessary.
3. The Board should determine if limits need to be established on the hours of operation for the use. In addition, it should be established that no vehicle repairs will be conducted on the premises.
4. Staff believes that the large continuous curb cut on the site should be reduced with the development of the car sales lot for safer circulation into the site. In addition, staff believes that landscaping should be installed along the front of the site which reduces the view of the long row of parked cars on the site. This landscaping would not be intended to screen the cars, but rather soften the appearance along the public right-of-way.
5. The Board should determine if the proposed design of the building is appropriate for this site or whether changes need to be made?

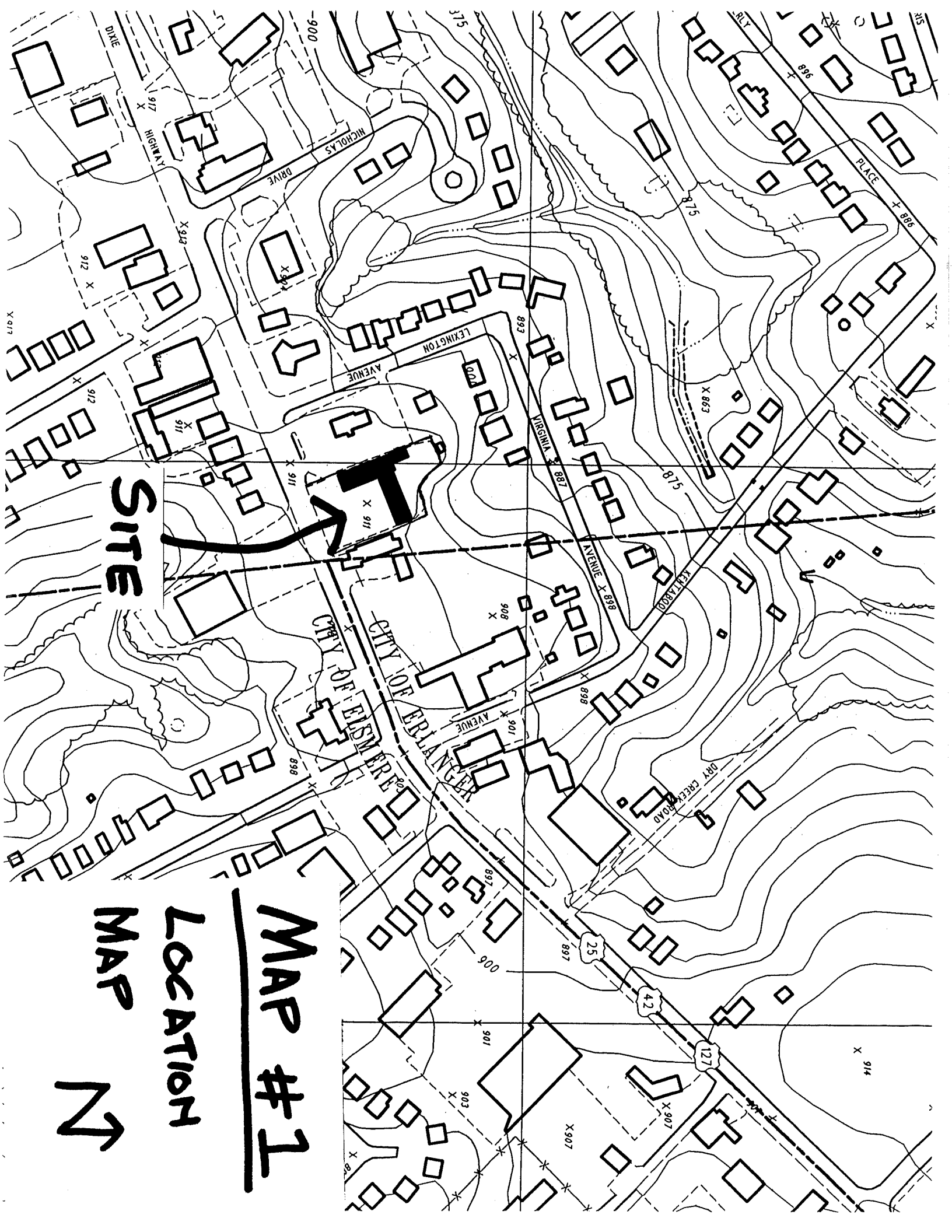
Conclusion

Staff believes, that if the building, lighting, and landscaping are properly designed and the use properly operated, it will be harmonious with the surrounding residential and commercial uses. 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 three criteria for a Conditional Use within a Commercial Two zoning district.

Respectfully Submitted,


Jeffrey F. Hayes, AICP
Planner

JFH\par



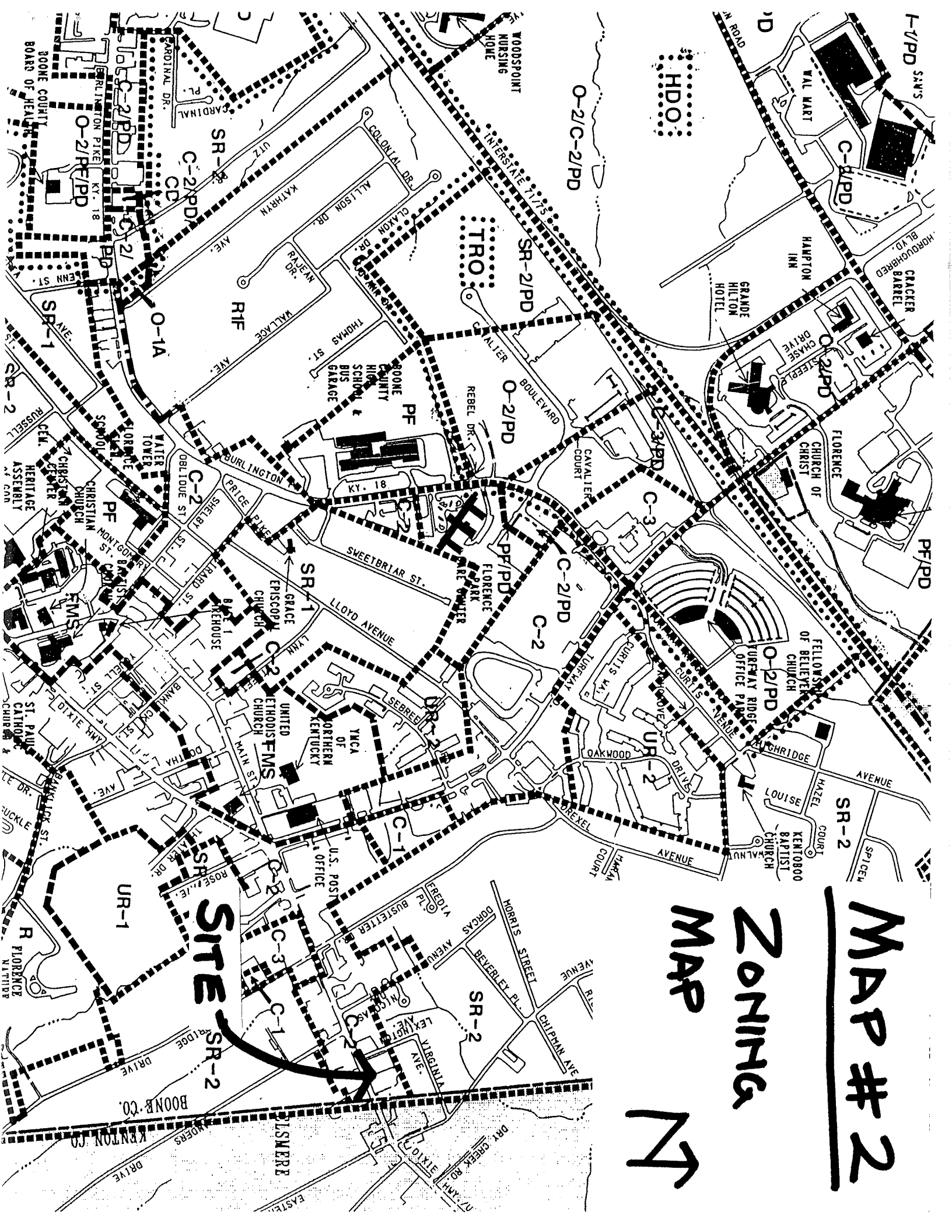
SITE

MAP #1

LOCATION

MAP





MAP # 2

ZONING

MAP

↑

COPY

CLUR # 96- FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

James Fossitt
7839 Pleasant Valley
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY

6478 Dixie Highway
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

J.D. Byrider

DEED BOOK: 358

PAGE NO.: 98

GROUP NO.: 2034A

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



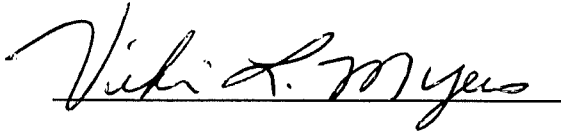
SIGNATURE OF COMPLETING OFFICIAL

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 19th day of July 1996.

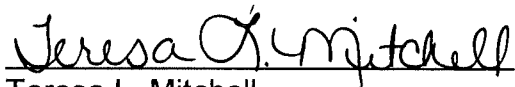


NOTARY PUBLIC, State at Large

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 Florence Board of Adjustments and in accordance with the current zoning in effect as of May 8, 1996 Certificate of Land Use Restriction (# 96-FBOA-004-A), for James Fossitt, property owner.

The following conditions will apply: (1). The hours of operation be from 9 A.M. - 5 P.M. on Saturday and closed on Sunday as indicated by the applicant; (2) the lighting is to be harmonious with the area, and confined to the property. The lighting is not to spill over onto neighboring property; (3) landscaping is to be provided in the front to direct the traffic in and out properly and is subject to the Staff's review and approval; and (4) there are to be no vehicular repairs or oil changes on the site.

The approved conditional use permit as well as the preceding conditions apply to the property

described in: DEED BOOK 358

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Group No. 2034A