

REVIEW NO. _____

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 TONY & LINDA RAYHART
 Phone Number 606-384-3508
 Applicant's Address 902 MT. ZION ROAD 1749 RIDGE RD
UNION KY UNION KY 40091
 City State Zip
- 4. Description of Request: CONDITIONAL USE PERMIT.
- 5. Name of Development N/A
- 6. Location of Development N/A 902 MT. ZION RD.
UNION KY
- 7. Acreage Under Review N/A
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property ESTATE OF THOMAS M. HAY
 Phone Number 606-331-3700
- 10. Address of Property Owner 2420 GRACE AVE.
FT. MITCHELL KY 41017
 City State Zip
- 11. Proposed Use(s) On Site RETAIL CAMERA SALES &
CAMERA REPAIR
- 12. Total Square Footage of Existing and/or Proposed Buildings
3185 SQ FT.
- 13. Current Zoning on Property RS/SC
- 14. Deed Book 277 Page No. 296 Group No. 2056
- 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? _____
- 17. Have you submitted a list of adjoining property owners with this request? YES
- 18. Applicant's Signature: [Signature]
- 19. Property Owner's Signature: [Signature]
Tom M. Hay, Estate

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 7-19-90
2. Fee Received \$ 216.00 R44033
3. Is application complete? _____ Yes _____ No
4. Staff Reviewer J. GIT
5. Scheduled Board Action Date 8.15.90
6. Board Action:
_____ Approval
 Approved With Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions any change from a retail camera shop
is to go before the BOA of UNION.
8. Reasons For Disapproval: _____

BCPC:7/11/88

STAFF REPORT

#1

DEVELOPMENT: Camera Shop
APPLICANT: Tony & Linda Gayhart
LOCATION: Southeast corner of Mt. Zion and U.S. 42, Union, Kentucky
ZONING: Rural Suburban / Small Community Overlay District
(RS/SC)
DATE: August 15, 1990

REMARKS:

The applicant is requesting a Conditional Use Permit to allow the use of a Retail Camera Sales and Repair Shop. The use is proposed in an existing 3,185 square foot building at the corner of Mt. Zion and U.S. 42. The site is zoned RS/SC and is owned by Tom M. Huey Estate.

Surrounding Land Uses and Zoning

North: Parking Area - Rural Suburban/Small Community Overlay District
(RS/SC)
South: Parking Area - Rural Suburban/Small Community Overlay District
(RS/SC)
East: Union Baptist Church - Rural Suburban/Small Community Overlay
District (RS/SC)
West: E-Z Mart - Commercial One/Small Community Overlay District
(C-1/SC)

The following reviews the general criteria which the Board must use to judge each Conditional Use Permit:

1. The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the site as Commercial.

The Land Use Element makes the following reference to the site and general area. Commercial activity in this area should be limited to Union proper, in the general area.

"Commercial activity in this area should be limited to Union proper, in the vicinity of the Hathaway Road and U.S. 42 intersection. Any commercial development should be local in scale to serve the needs of the existing and future residents of the area. Proper Access Management and parking design, including shared parking, are important aspects of this growth. Access Management is important because of the closeness of existing structures, some of which have potential historic significance, to the roads. Parking facilities

should be an adequate distance from the roadways to allow landscaping to compliment the small town character of Union."

2. This type of use will be harmonious and appropriate in appearance with the existing character of the area and general vicinity.
3. The use will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by public facilities and services.
5. Additional excessive requirements at public cost for public facilities will not be created.
6. This development will not involve uses, activities, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. The vehicular approach to the property will not create an interference with traffic on surrounding public thoroughfares.

Staff Concerns

1. Parking for this proposed use is located across Mt. Zion Road. Staff is concerned with Pedestrians crossing at this intersection due to the fact that traffic along U.S. 42 is continuous. Movement from U.S. 42 on to Mt. Zion is unrestricted in terms of a stop sign or signal. Vehicles could approach upon pedestrians quickly and potential hazards could arise.

To alleviate this problem Staff has suggested a shared parking agreement with the Union Baptist Church. The proximity of the churches' parking would pose no hazard as does the parking lot across Mt. Zion.

Respectfully submitted,



J. Gregory Tuttle
Plans Examiner / Planner I

JGT:kat

EXIST.
PARKING

Mt Zion Rd

US 42

Public
ENTRANCE

PROPOSED
CAMERA
SHOP

Private
ENTRANCE

PARKING

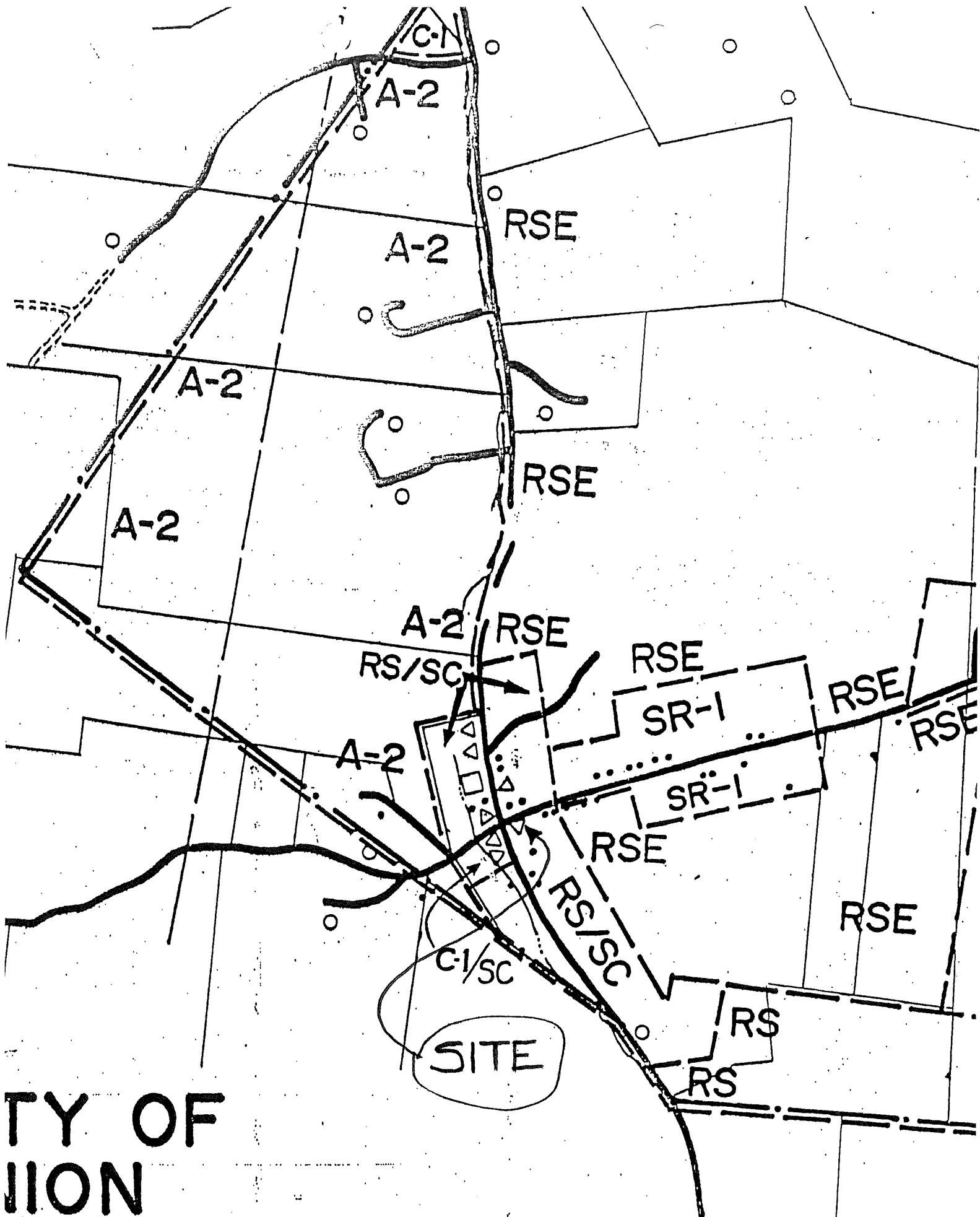
Private
ENTRANCE

Future
PARKING

Church

Church PARKING lot

Future Church



TY OF
ION

UNION BOARD OF ADJUSTMENT
BUSINESS MEETING
AUGUST 15, 1990 - 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. Jim Paxten
Ms. Katie Smith

BOARD MEMBERS NOT PRESENT:

Ms. Jean Yost

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Mr. Jim Paxten.

Approval of Minutes:

Mr. Jim Paxten noted that each Board member had received a copy of the Minutes of the Union Board of Adjustment meeting of May 24, 1990 and asked if there were any comments or corrections.

There being no changes to the Minutes, Ms. Katie Smith moved that they be approved as mailed. Mr. Jim Paxten seconded the motion and it carried unanimously.

Agenda Items:

1. The request of Tony and Linda Gayhart for a Conditional Use Permit to allow the use of a Retail Camera Sales and Repair Shop. The use is proposed in an existing 3,185 square foot building at the corner of Mt. Zion and U.S. 42. The site is zoned RS/SC and is owned by Tom M. Huey Estate.

Greg Tulley presented the Staff Report which included a slide presentation.

Board member Mr. Jim Paxton asked if the applicant had comments.

Mr. Tony Gayhart stated that they would like to operate a camera repair shop. The hours of operation would be approximately 12:00 - 6:00 Monday thru Friday and 8:00 - 5:00 on Saturday. They would be closed on Sundays. He stated that they have a gentlemen's agreement with the adjoining Union Baptist Church for shared parking. It was fine with the church as long as there was no interference on Sundays or Wednesday nights. The shop would repair cameras and sell used equipment and film.

Mr. Lowell Colts stated that there is a 5 year agreement to use the parking located across Mt. Zion, that goes with the purchase of the building. He also stated that the building is structurally sound.

Ms. Linda Gayhart stated that in the future they would like to rent out the upper floor to another office/commercial type use.

Mr. Tony Gayhart stated that no chemicals will be used or stored at this facility. Deliveries would be from UPS. He envisions this as small scale operation and very few people would be patronizing this establishment, it would cater to a very select group.

Board member Mr. Jim Paxton asked if there was any opposition to this request. There was no response in opposition.

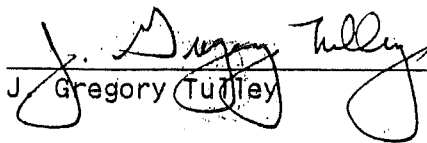
Board member Ms. Katie Smith moved that the Conditional Use be granted for a Camera Sales Shop. A motion was made and Board member Mr. Jim Paxton seconded the request and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent.

APPROVED:


Katie F. Smith for
Jim Paxton

Attest:


J. Gregory Tuttle