

RECEIVED
SEP 24 1992

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 Philip N. Damstrom
Phone Number 384-1607
Applicant's Address 10097 Hempstead Dr.
Union Ky 41091
City State Zip
- 4. Description of Request: To allow small office use - FUS.
Office - Interior Dec. office - low volume use - single
employee use for both.
- 5. Name of Development _____
- 6. Location of Development 10007 US 42 Union, Ky
- 7. Acreage Under Review 12,680 sq. ft. total
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Philip N. Damstrom
Phone Number 384-1607
- 10. Address of Property Owner 10097 Hempstead Dr.
Union Ky 41091
City State Zip
- 11. Proposed Use(s) On Site Office Space - Int. office
Possible Interior Dec. office
- 12. Total Square Footage of Existing and/or Proposed Buildings
1550 sq. ft.
- 13. Current Zoning on Property RS/SC overlay
- 14. Deed Book 302 Page No. 149 Group No. 2055
- 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. Applicant's Signature: Philip N. Damstrom
- 19. Property Owner's Signature: Philip N. Damstrom

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 9-24-92
2. Fee Received 326.00 R# 9359
3. Is application complete? Yes _____ No _____
4. Staff Reviewer Dean E. Arney
5. Scheduled Board Action Date 10/21/92
6. Board Action:
_____ Approval
 Approved with Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: no parking allowed in front of the building on U.S. 42
8. Reasons for Disapproval: _____

STAFF REPORT

DEVELOPMENT: Philip N. Damstrom
APPLICANT: Philip N. Damstrom
LOCATION: 10007 U.S. 42, Union, Kentucky
ZONING: Rural Suburban/Small Community Overlay District (RS/SC)
DATE: October 21, 1992

REMARKS:

The applicant is seeking a Conditional Use Permit to allow for small office use (ie. Insurance and/or Interior Decorating) for property located at 10007 U.S. 42, Union, Kentucky. The property is a 12,680 square foot site located in Union, Kentucky. The property is zoned Rural Suburban/Small Community Overlay District (RS/SC) and is owned by Philip N. Damstrom.

The following reviews the criteria that the Board must use to judge all Conditional Use Permit requests:

1. The activity will be harmonious with and in accordance with the general objectives, or with any specific objective of the *Boone County Comprehensive Plan* and/or the *Boone County Zoning Regulations*. Article 20 Small Community Overlay District; SECTION 2012 Conditional Uses and Criteria on the *Boone County Zoning Regulations* reads:

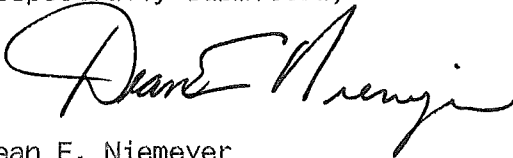
The following uses and appropriate accessories may be permitted subject to the approval and conditions of the Board of Adjustment and Zoning Appeals provided that: a) the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with principal purpose and continued well-being of the center; and b) the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district:

All principally permitted, accessory and conditional uses of the Commercial Two (C-2) district.

2. The activity 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 area. The applicant states that the office(s) will be one-person run businesses and maintain low volume use.
3. Staff can find no reason that the use will be hazardous to existing or future neighboring uses.

4. The activity will be adequately served 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 any such services.
5. The activity will not create excessive additional requirements at the public cost for public facilities; services will not be created or be detrimental to the economic welfare of the community. Staff can find no such requirements.
6. The activity will involve uses, activities, process, materials, equipment and conditions of and operation that will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor.
7. The activity will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares.

Respectfully Submitted,



Dean E. Niemeyer
Planning Assistant

DEN:par

COPY

NO. 92-UBOA-001

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Philip N. Damstrom
10097 Hempstead Drive
Union, Kentucky 41091

2. ADDRESS OF PROPERTY

10007 U.S. 42
Union, Kentucky 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 302

PAGE NO.: 149


GROUP NO.: 2055

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

- | | | | |
|-------|---|------------|---------------------------------|
| _____ | Zoning Map Amendment
from _____ to _____ | <u> X </u> | Conditional Use Permit |
| _____ | Development Plan | _____ | Conditional Zoning
Condition |
| _____ | Subdivision Plat
(unrecorded) | _____ | Other: (Specify) |
| _____ | 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



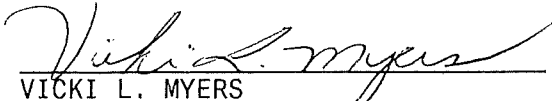
SIGNATURE OF COMPLETING OFFICIAL

David A. Geohegan/AICP/Senior Planner
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

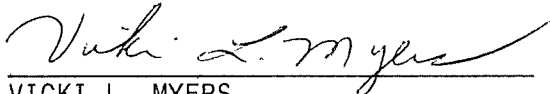
Subscribed, sworn to, and acknowledge before me by David A. Geohegan
on behalf of the Boone County Planning Commission this 10th day
of June, 1993.


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:


VICKI L. MYERS
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 Union Board of Adjustments and in accordance with the current zoning in effect as of October 21, 1992, (Certificate of Land Use Restriction # 92-UBOA-001), for Phil N. Damstrom, property owner.

The following conditions apply: that there be no parking in the front of the building.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 302 PAGE NO. 149 Group No. 2055