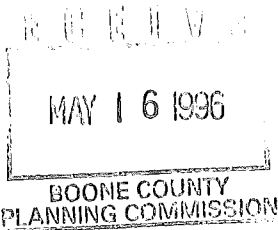


\$ 382.00

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

431-4023 office  
389-1700 office

- (Check One) 1. Boone Florence Walton X Union
(Conditional Use Permit, Variance, Appeal)
2. Applicant's Name, Phone Number, Address, City, State, Zip
3. Description of Request
4. Name of Development, Location of Development
5. Acreage Under Review, Lot Number and Name of Subdivision
6. Owner of Property, Phone Number, Address
7. Proposed Use(s) on Site
8. Total Square Footage of Existing and/or Proposed Buildings
9. Current Zoning on Property
10. Deed Book, Page No., Group No.
11. Is the site subject to a zone change?
12. Have you submitted a Site Plan with this request?
13. Have you submitted a list of adjoining property owners with this request?
14. 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:
Property Owner's Signature:

3/11/96

(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 5-16-96 Fee Received B38200R#10137
2. Is application complete?  Yes  No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date June 25, 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:** Dentist Office

**APPLICANT:** James and Sherri Wright

**LOCATION:** 1982 Mt. Zion Road, Union, Kentucky

**ZONING:** Rural Suburban/Small Community (RS/SC)

**DATE:** June 25, 1996

The applicant is requesting a Conditional Use Permit to allow the development of a dentist office and a shaved ice stand on a .5 acre site located at the northeast corner of Mt. Zion Road and U.S. 42 (See Map #1). The site contains a small house, a shed and parking lot large enough for approximately 5 cars. The site currently has a septic system which may have to be upgraded due to additional demands and is served by public water.

The applicant's proposes to add to the existing house and develop a larger parking area for approximately 15 cars (See Map #2). The total square footage on the .5 acre site would be approximately 3,000 feet with the proposed addition. The applicant was proposing to develop a shaved ice stand in the front of the office area but has decided to remove this from the proposal.

Article 9, of the Boone County Zoning Regulations, permits the physician, dental, optical goods and services within a Rural Suburban/Small Community (RS/SC) 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 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 the principal purpose and continued well-being of the center;
- b) the arrangement of use building, or structure is compatible with the arrangement organization of permitted and accessory uses which are to be protected in the district:

Surrounding Land Uses and Zoning (See Sheet #3)

North:	Commercial uses zoned RS/SC
South:	Camera shop and Baptist Church zoned RS/SC
East:	Single family homes zoned RS/SC
West:	E-Z Stop and PNC Bank zoned RS/SC

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as Commercial. The Land Use Text indicates that the majority of the commercial activity in Union area should be limited to the Union city center, anchored by the Hathaway Road and U.S. 42 intersection to the north; Frogtown Road and U.S. 42 intersection to the south, and the new Union City Hall to the east with intermittent, small-scaled commercial uses along this portion of the Mt. Zion Road. The Small Community Overlay District should be expanded, or a new overlay district should be created, to incorporate this entire area and be utilized to encourage the development of a centralized, downtown area that coincides with the final alignment of U.S. 42. It is recommended that this downtown area be characterized by reduced setbacks, shared parking areas located between and behind buildings, and a pedestrian-oriented streetscape that builds upon the existing small town fabric.

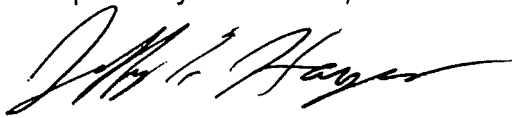
Staff Concerns

1. Site Plan Review will be required for the development of the parking and building addition on the site if the Board approves the Conditional Use Permit.
2. Landscaping should be installed around the perimeter of the parking lot which helps to screen the view of the automobiles.
3. The applicant is proposing a sign for the development which staff believes should be of a monument design with landscaping around the base of the sign.
4. The site is currently served by a septic system which may not be adequate for the proposed dental office. This issue staff believes should be addressed during the site plan review procedure.

Conclusion

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 two criteria for a Conditional Use within a Small Community zoning district. Staff believes that proposed use would be harmonious with and in accordance with the general objective of the County Comprehensive Plan and with be an improvement to the general vicinity.

Respectfully Submitted,

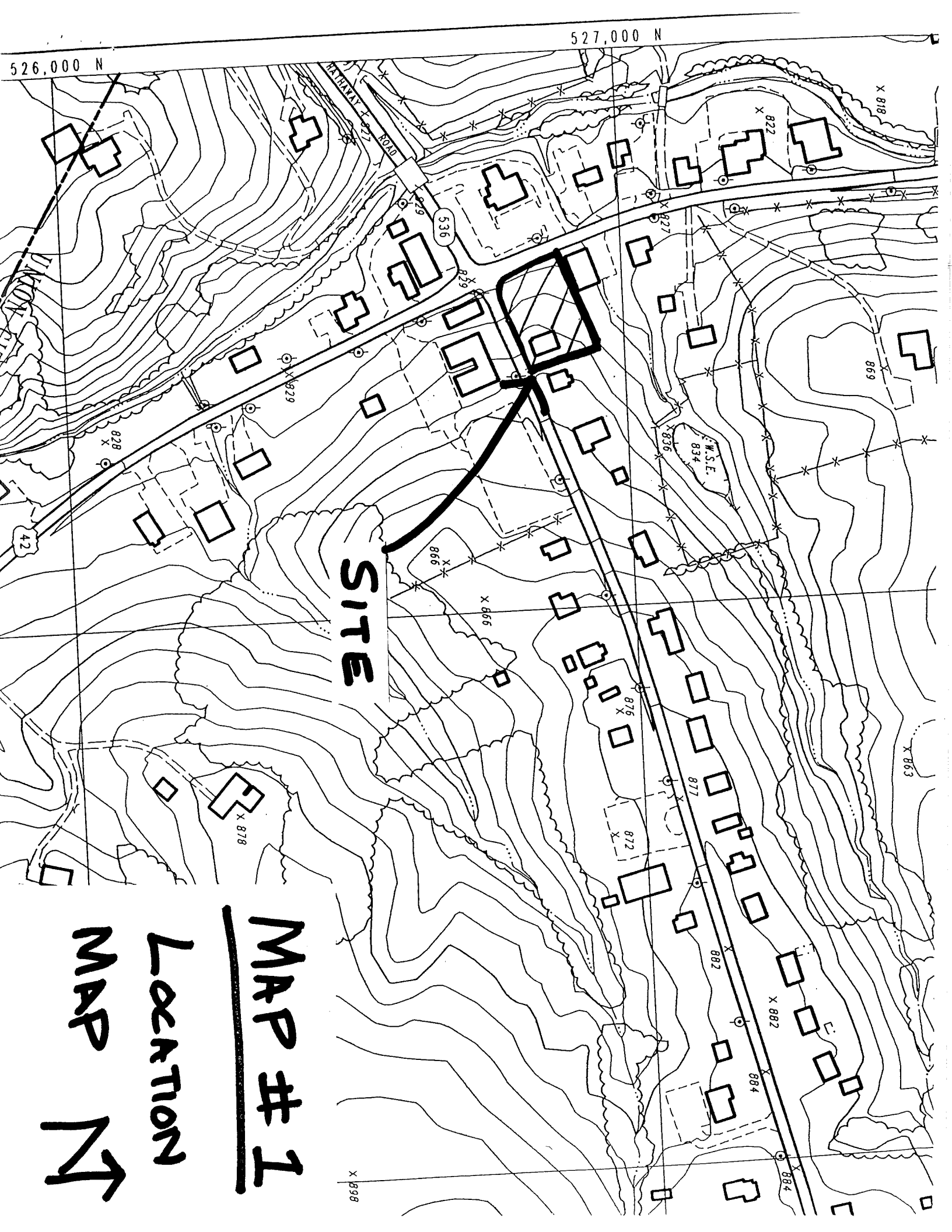
A handwritten signature in black ink, appearing to read "Jeffrey F. Hayes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeffrey F. Hayes, AICP  
Planner

JFH\par

527,000 N

526,000 N

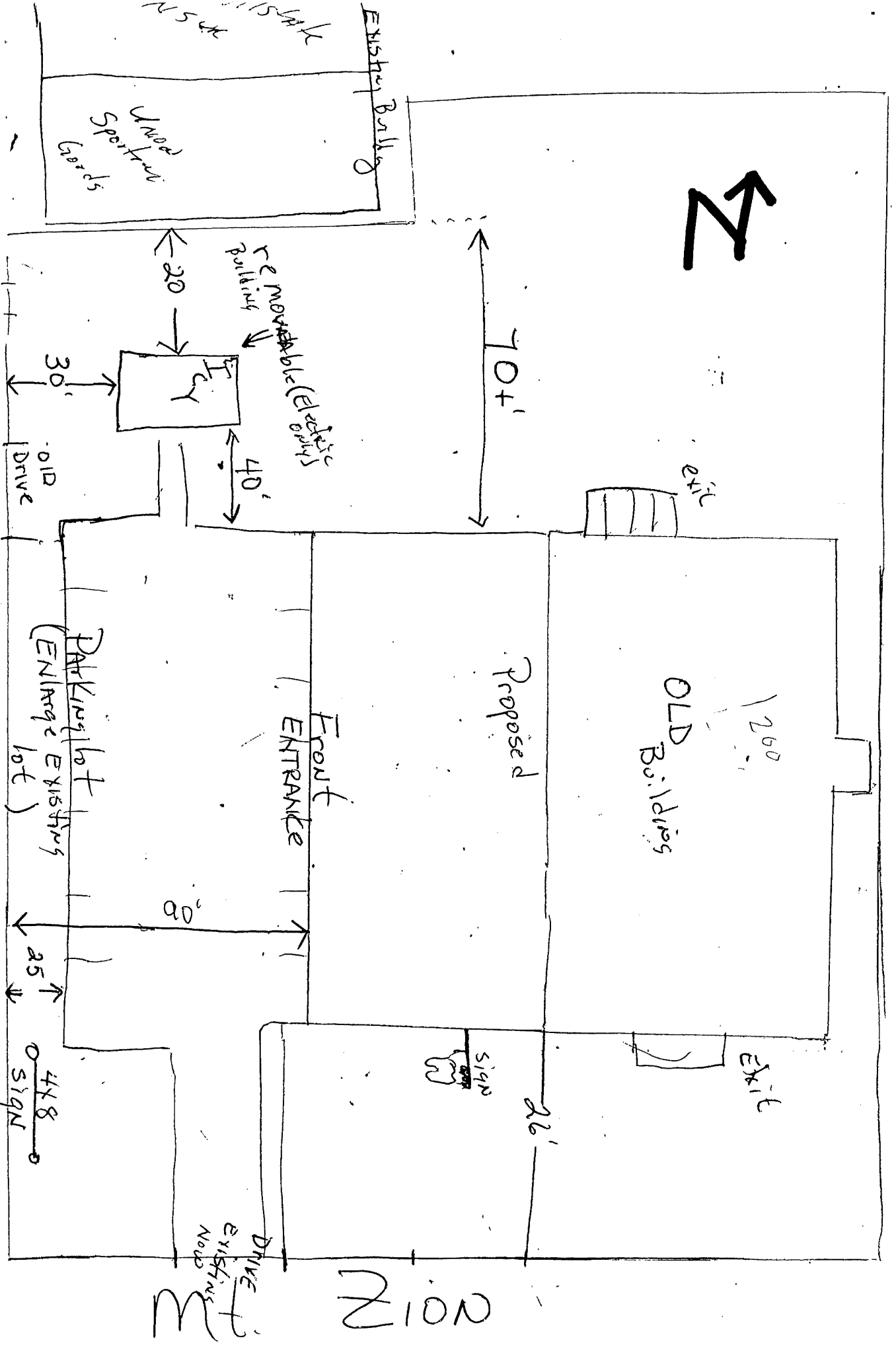


**SITE**

**MAP # 1**

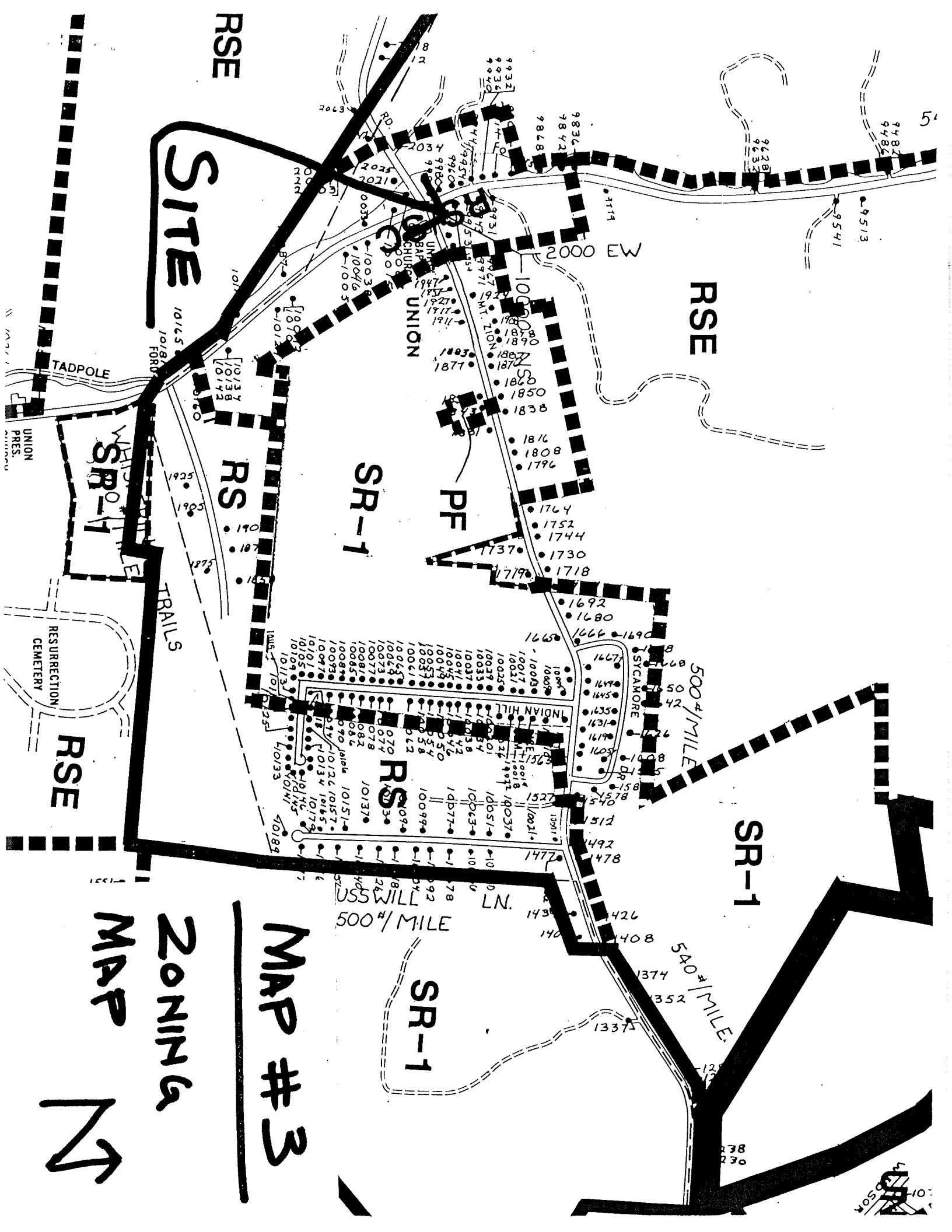
**LOCATION**

**MAP** ↘



US 42

MAP # 2



**SITE**

**RSE**

**RSE**

**SR-1**

**PF**

**RS**

**RS**

**SR-1**

**SR-1**

**RSE**

USS WILL LN.

500 #/ MILE

540 #/ MILE

500 #/ MILE

**MAP #3**

**ZONING**

**MAP**



COPY

CLUR # 96- UBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)  
JR and Sherri Wright  
1973 Richwood Road  
Walton, Kentucky 41094
2. ADDRESS OF PROPERTY  
1982 Mt. Zion Road  
Union, Kentucky
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Dentist Office / Shaved Ice

DEED BOOK: 439

PAGE NO.: 97

GROUP NO.: 2047

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

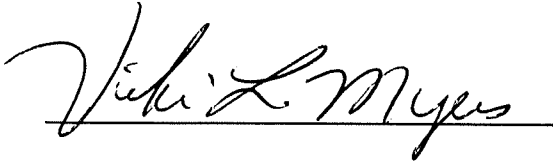
  
SIGNATURE OF COMPLETING OFFICIAL

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 15th day of August 1996.

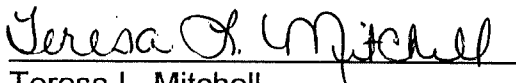
  
\_\_\_\_\_

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 Union County Board of Adjustments and in accordance with the current zoning in effect as of June 25, 1996 Certificate of Land Use Restriction (# 96-UBOA-003-A), for JR and Sherri Wright, Property Owners.

The following conditions will apply: (1). The total square footage be a maximum of 3,000 square feet. (2) The hours of operation be generally from 8 A.M. to 7 P.M. (3) The lighting for the parking lot is to remain on the parking lot. (4). The landscaping around the parking lot is not to interfere with the view of the traffic on Mt. Zion Road. (5). That the addition have continuity with the existing building. (6) The use will be a dental business only. (7). The sign will not be larger than 4' X 8'.

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

described in: DEED BOOK 439

PAGE NO. 97

Group No. 2047