

APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

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

AUG 21 2007

- 1. (Check One) Boone Florence Walton Union
- 2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name William Burch
Phone Number 859-485-7112 Fax No. 859-485-4987
Applicant's Address 938 Eads Rd
Crittenden IN 41030
City State Zip
- 4. Description of Request: Rough Sawn Lumber & Sheet metal
- 5. Name of Development Burch Sheet Metal and Building Supply
- 6. Location of Development 21 Old Beaver Rd
- 7. Acreage Under Review ~~0.79~~ 79
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property G. Russell Ryan
Address of Property Owner 25 Old Beaver Road Phone No. 485-4633
Walton KY 41084
City State Zip
- 11. Proposed Use(s) on Site Sheet metal & Rough Sawn Lumber
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property SR-1
- 14. Deed Book 883 Page No. 6 Group No. 2078
- 15. Is the site subject to a zone change? _____
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? Yes
- 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: William Burch

Property Owner's Signature: G. Russell Ryan

STAFF REPORT

APPLICANT: William Burch

LOCATION: 21 Old Beaver Road, Walton, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: September 25, 2007

PROPOSAL

The applicant is requesting a Change in Non-Conforming Use so he can sell lumber and sheet metal building packages from 21 Old Beaver Road, Walton, Kentucky.

The applicant's letter (see attachments) indicates that the business would be run out of a 40' x 60' sales office and that the lumber and sheet metal would be stored in an existing shed, which is located immediately behind the 18,530 square foot building.

SITE HISTORY

1/10/95 - The Walton Board of Adjustment approves a Change in Non-Conforming Use which allows a 5,460 square foot portion of the former Ryan Implement and Tractor Sales building to be used by a sign company. The following conditions were imposed on the approval:

1. The useable part of the lot is to be paved when they reach 20 employees;
2. There is to be no outside storage except for the pallets;
3. The hours are limited to 7:00 A.M. to 7:00 P.M. Monday - Saturday.
4. There can be hard surface to the dock;
5. The use is limited to the existing one-third of the building and the storage area; and
6. The dumpster is to be enclosed.

APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to act on applications for changes in non-conforming use.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 272 of the Boone County Zoning Regulations states "where, at the time of the adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted."

KRS 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
2. The board of adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use non-conforming was adopted, nor shall the board permit a change from one (1) non-conforming use to another unless the new non-conforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain non-conforming use status, for enlargements or extensions, made or to be made, of the facilities of a non-conforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a non-conforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Sections 931 and 933 of the Boone County Zoning Regulations do not list "fabrication of metal products" or "hardware stores" as principally permitted uses or conditional uses in the Suburban Residential One (SR-1) zoning district.

SITE CHARACTERISTICS

The site has frontage on Old Beaver Road and Interstate I-75 and is approximately 80 acres in area. The parcel contains a farm, mobile home, a 18,530 square foot building, and a 31' x 100' storage shed. Approximately one-third of the 18,530 square foot building is occupied by Destiny Sign Company building and the remaining floor area is used to store farm equipment. The building and storage shed are accessed by two gravel driveways which wrap behind the principal building. The topography of the site falls from 920' above sea level near the storage shed to 860' above sea level near Catalina Drive.

SURROUNDING LAND USES & ZONING

- North: Single-Family Dwellings Fronting on Catalina Drive
- South: Old Beaver Road & Single-Family Dwellings
- East: Single-Family Dwellings Fronting on Old Beaver Road
- West: Single-Family Dwelling and Interstate 75

STAFF COMMENTS

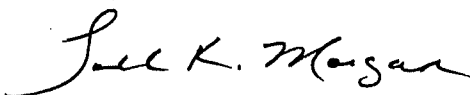
1. The existing sign business is legally non-conforming because the property is zoned Suburban Residential One (SR-1). Businesses which fabricate metal products or sell lumber are not principally permitted or conditional uses in this zoning district.
2. Staff's understanding is that the sign business will continue to operate from the site and that the proposed business will occupy the southwest corner of the building. Lumber and sheet metal will be stored in a portion of the approximate 31' x 100' shed which is located behind the building.
3. Staff would like the property owner to address the following questions:
 - A. How many employees does the sign company have?
There is a condition of approval which requires the parking lot to be paved when the business employs 20 people.
 - B. What is being stored under the roof overhang?
There is a condition which only allows pallets to be stored in this area.
 - C. Why isn't the dumpster enclosed?
There is a condition which requires the dumpster to be enclosed.

4. Staff would like the applicant to address the following questions:
 - A. How many employees will the business have?
 - B. What are the proposed days and hours of operation?
 - C. Will all the lumber, sheet metal, and other building products being stored in the existing shed?
 - D. Is any exterior signage or lighting being proposed?
5. The Board needs to consider if the driveways need to be paved because of the increased traffic flow. Section 3314 of the Boone County Zoning Regulations requires all commercial parking lots to be improved with concrete or asphalt.
6. Staff recommends the following conditions if the request is approved:
 - A. All building materials shall be stored in the applicant's tenant space or in the 31' x 100' shed.
 - B. The businesses located in the building can advertise their names on a monument sign which is 8' tall and 32 square feet in area. The monument sign shall not be illuminated. No additional building mounted signage shall be permitted on the building.
7. The change in non-conforming use application can be viewed in the following fashions:
 - A. The proposed addition will enlarge the existing non-conforming use, or
 - B. The proposed addition will be no more objectionable than what already exists on site.

Conclusion

KRS 100.253 and Section 220 of the Boone County Zoning Regulations gives the Walton Board of Adjustment the authority to grant the applicant's request for a Change-in-Non-Conforming Use.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Letter From Property Owner
- *Letter From Applicant
- *Concept Plan
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *1/10/95 Meeting Minutes
- *1/10/95 Concept Plan
- *Application

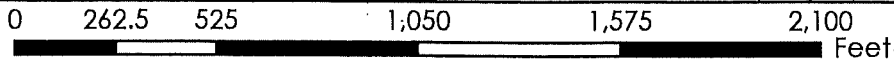
SITE VICINITY MAP

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1 inch equals 500 feet



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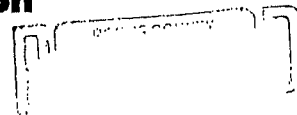
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Map Document: Untitled

August 16, 2007

**Northern Kentucky Planning and Zoning Commission
Burlington, KY 41051**



Mr. Morgan

AUG 17 2007

**The following is a brief history of the building at 21 Old
Beaver Road, Walton, KY.**

**After a tornado in July of 1956, Delaney Johnson, former
owner, had a barn rebuilt that was destroyed in the storm. In
1958, George W. "Ab" Ryan purchased the farm from Mr.
Johnson. While operating a hardware store at 18 North Main
Street in Walton, my father acquired a Massey Ferguson
franchise. After a very short time, the building on Main
Street was not adequate to handle both the hardware
business and the tractor business, so he converted the barn
into a store for the implement business. He operated Ryan
Implement Co. there until January of 1994. After the closing
he rented the building to Ervan Rich. Mr. Rich has operated a
business there from then to the present.**

(SIGN CO.)

Sincerely;

G. Russell Ryan

8-20-07

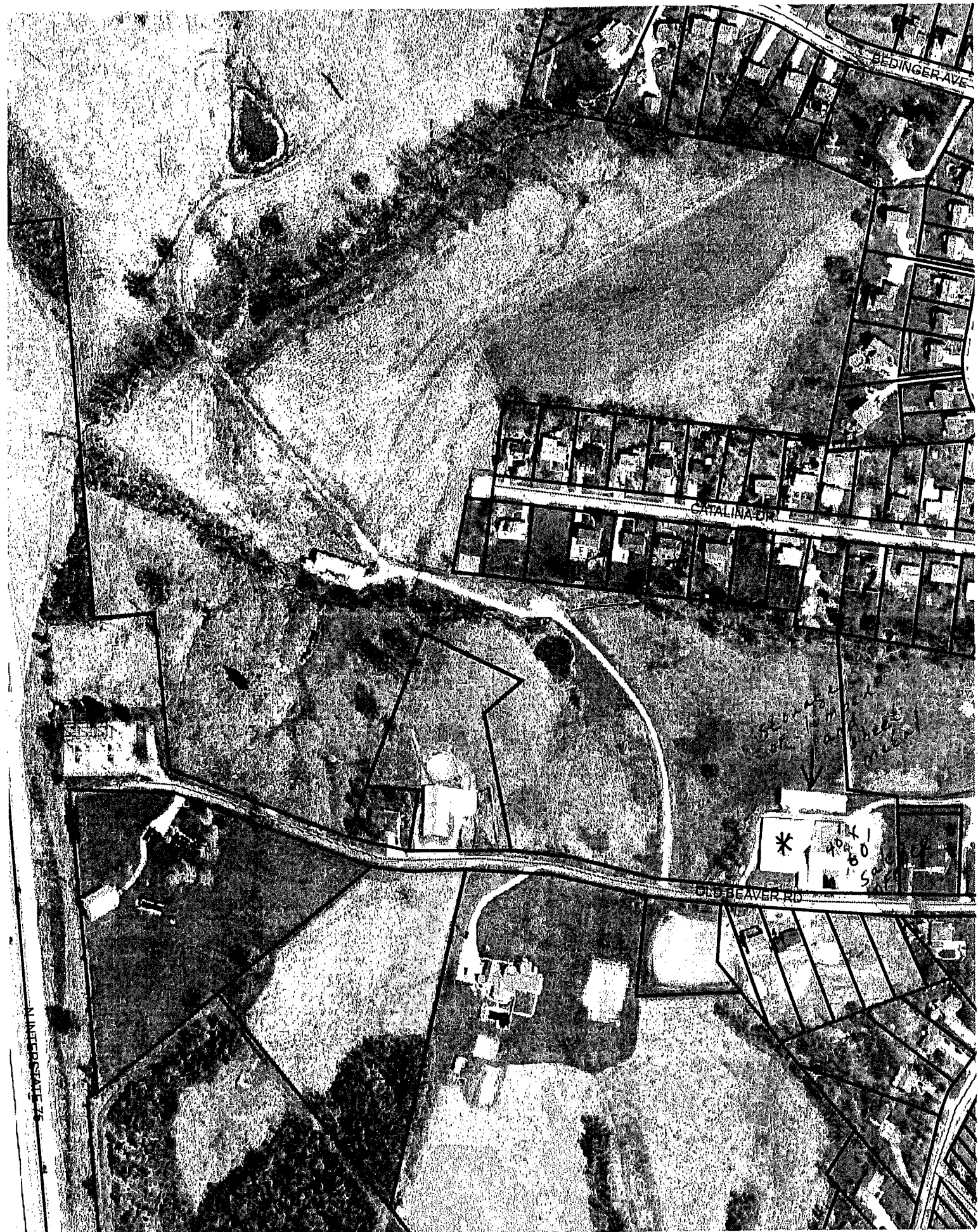
Proposed Use For A 40' X 60' section
of building at 21 Old Center,
Also shed in back of building.

• Sale of sheet metal (Roofing + Siding) -
Sheet metal Trim - CORNERS - Gutters,
Flashing Etc.

Sale of Rough Sawn Lumber, FOR BARNs,
Pole BARNs, Fencing Etc.

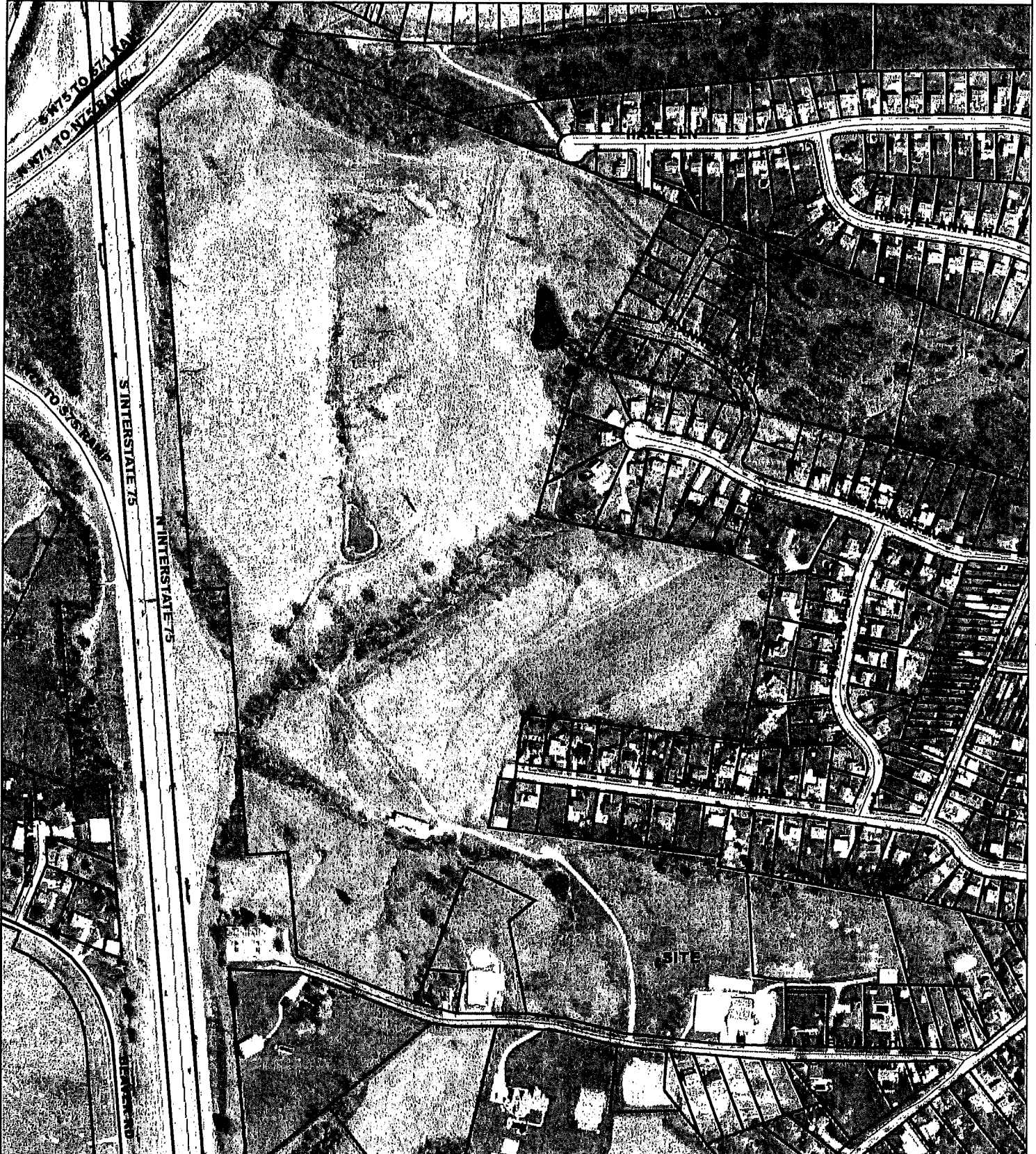
What I will be doing is putting together
Building Packages FOR BARNs, Pole BARNs,
Metal Buildings, Fencing Packages Etc.

Wil Burnett



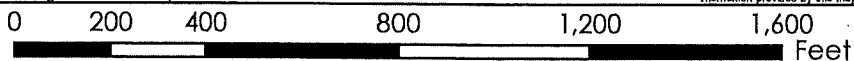
AERIAL MAP

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1 inch equals 400 feet

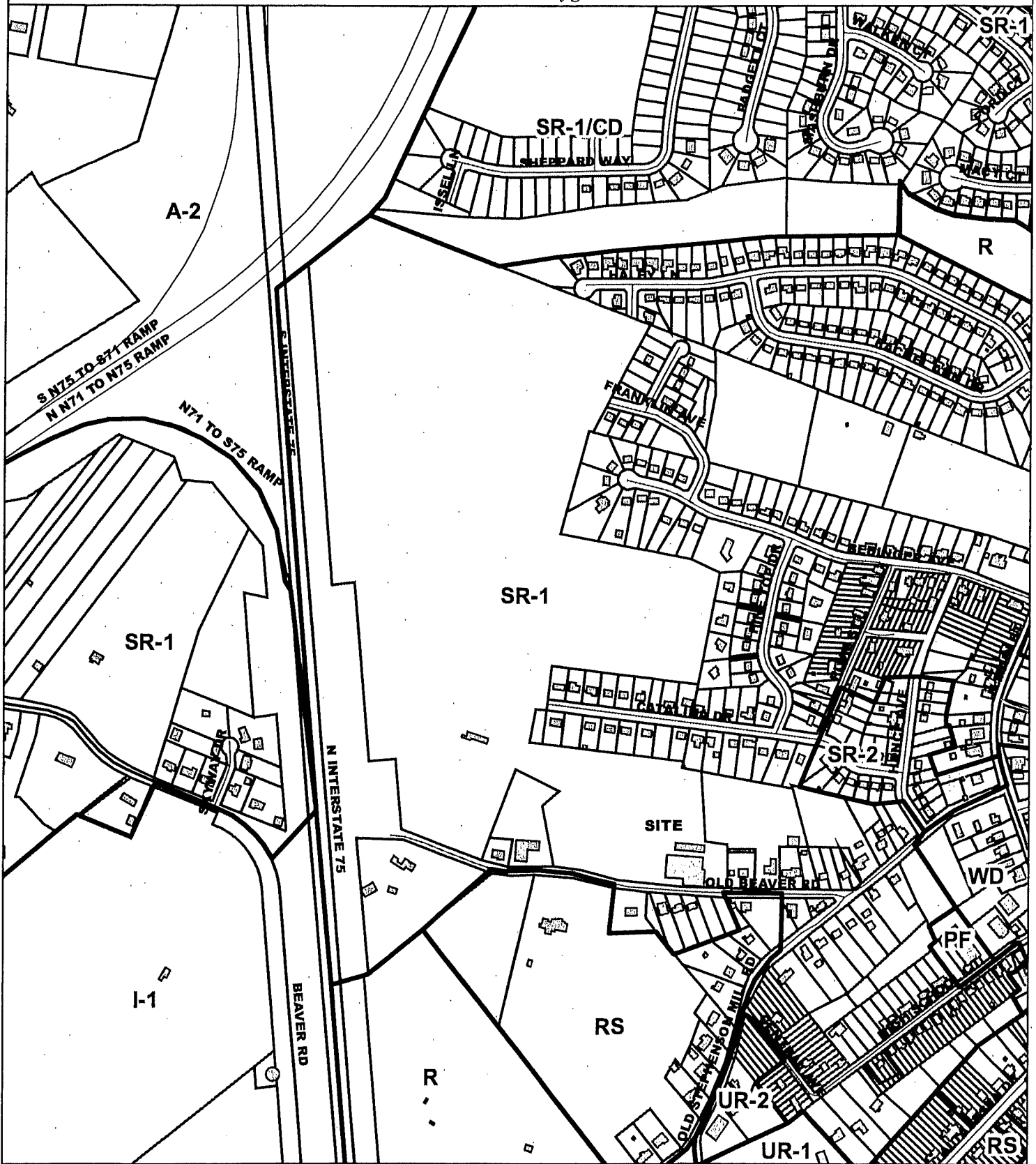


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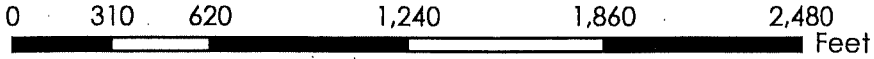
ZONING MAP

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1 inch equals 600 feet

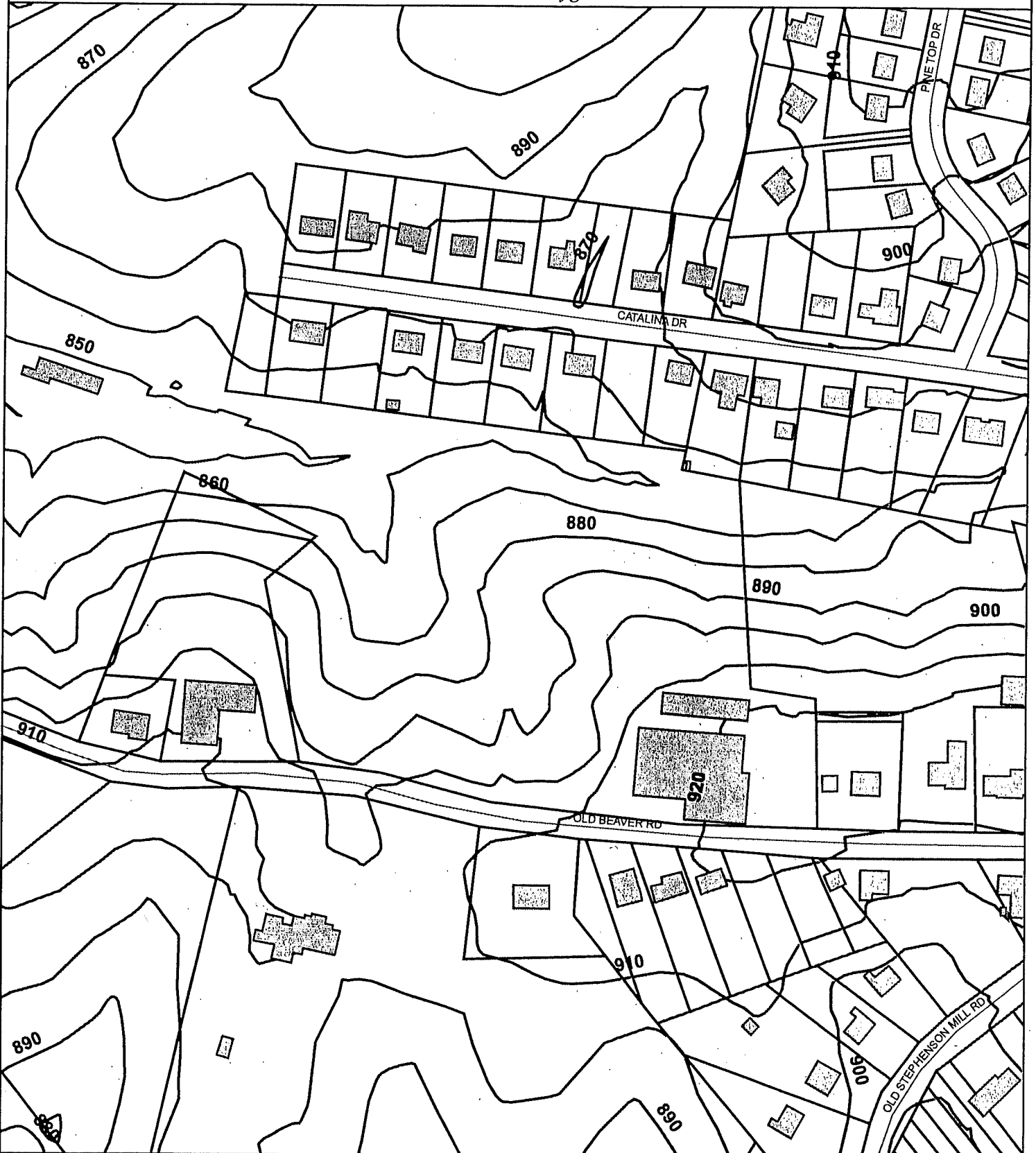


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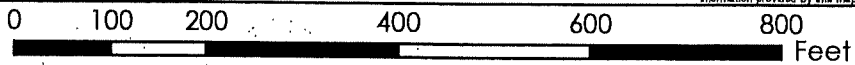
TOPOGRAPHICAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map



WALTON BOARD OF ADJUSTMENT
BUSINESS MEETING
January 10, 1995
6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. James Bridges
Mrs. Rebecca Huth
Mr. David Wethington
Mr. Wally Wireman, Chairman

All members were present.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Wally Wireman, Chairman, called the meeting to order at 6:40 P.M.

Staff Member, Jeff Hayes, advised that the minutes of the last meeting, which was over a year ago, have been approved.

Agenda Item:

1. The request of Ervan Rich and George Ryan for a Change in Non-Conforming Use to allow the production and assembly of small indoor illuminated signs on a 1.23-acre tract located at 21 Old Beaver Road, Walton, Kentucky. The property is currently owned by George and Betty Ryan and is zoned Suburban Residential One (SR-1).

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Wireman asked if there was anyone present who wished to speak in regard to this application.

Mr. Ervan Rich showed the Board interior and exterior photographs of the property. He introduced Margaret Hize who does administrative work for the business. Mr. Rich stated that they have proven they can be good neighbors. He stated that the 4' x 4' sign mentioned by Mr. Hayes would typically be the largest sign. The largest sign they have made to date is 3' x 2'. He stated that the use is intermittent and will probably

continue to be that way. When they are only doing administrative and sales work, he and Ms. Hize are the only employees. The peak employment would be when they get a big job. Their last job was a big job and it only took six people to do it. He stated that very little of the building other than where they are is usable. The rest of the building is not well roofed or paved and goes down hill. There is another area of approximately 20' x 15' that has been paved and is being used for storage.

In response to questions from the Chairman, Mr. Rich stated that when the product leaves the building, it is a finished product. He showed the Board a photograph of the decorating process. He stated that they use silk screening and the faces are decorated. They buy components and assemble them. They do not make smoke or noise. He stated that they seek contracts and do not have any that are on-going. They make a lot of lottery signs.

Ms. Hize stated that they sell to large national and regional accounts thru sales reps. Mr. Wireman asked if someone could come in and get small signs made. Ms. Hize advised that they could.

In response to questions from Mr. Bridges, Mr. Rich advised that the back room may have an air-conditioner. He emphasized that they do not make noise and the loudest thing they have is a forklift and, other than that, they use cordless electric screw drivers.

Mr. Wellington asked if they would never use any more space than they have now and they would never expand. Mr. Rich replied "that is correct". He added that there is another 15' x 20' or 25' paved area, which he had mentioned previously, that they use in the building. He noted the topography and stated that the building goes down hill.

Mr. Wireman asked if they can meet the changes stipulated in the Staff Report. Mr. Rich stated that he would take exception to a couple of them. In regard to landscaping around the building, he stated that there is asphalt right up to the building. He stated that the dumpster was pre-existing and he is sharing it with George Ryan.

Mrs. Huth questioned the trucks that would deliver to the site. Mr. Rich stated that there is occasionally a semi. He stated that trucks are allowed down there, but have to come off U.S. 25. They FAX maps to the truckers so they know how to come in there. The trucks can get in and out with no problem. He stated that there is a maximum of two trucks a week.

In response to a question from Mrs. Huth, Counselor Wilson explained that they would have to come back before the Board to expand.

Mr. Ryan stated that his grandchildren may want to ride their horses in the area that goes down hill. Mr. Hayes advised that the agricultural use of the property is a permitted use and there would not be a problem in this regard.

Mr. Ryan stated that he does not know how long the building would serve their needs. He stated that they may want to put some hard surface paving to the elevated dock area, which is not a part of the building, as a

forklift will not operate over a non-paved surface. In regard to the parking, he stated that there is enough parking there and a big truck could make a circle and drive out forward. If cars were parked there, the truck would have to back out onto Old Beaver Road and the driver could not see until he got past the building. He stated that they can comply with the parking requirement, but it is very hazardous for the trucks to back out. There is not much traffic up and down the road.

Mr. Archie Ross, who has rental property and his sister lives adjacent to the site, questioned the amount of waste from the products. Mr. Rich stated that the amount of cardboard was overstated by Mr. Hayes. He stated that there is a small dumpster back there and there are two dumps per week. There may be a half-yard of waste per week.

Mr. Ross asked if they put paint or chemicals in the dumpster. Mr. Rich replied "no".

Linda Lovett asked if there would be any outside use permitted other than storage. Mr. Hayes advised that he did not know if there would be a need for outside storage. He believes the tractors were previously displayed outside. Mr. Ryan advised that the trucks were outside and on the road. Mr. Hayes stated that if there is to be something outside, he is recommending that it be screened. Mr. Rich stated that the only thing he anticipates keeping outside is pallets. Ms. Hize stated that their product would never be compatible with the outdoor elements.

Mr. Rich stated that they do not have drums of paint or things like that. The only thing outside would be the dumpster and a stack of neatly arranged pallets outside the garage door.

Mr. Wireman asked if there would be any objections from the neighbors based on what Mr. Rich has explained.

Mrs. Lovett stated that her property is at the bottom of the hill on Catalina. She is not concerned with what goes on inside the building, but would be concerned if a lot of things were stored outside the building, if the site was messy, and if there was noise. Mr. Rich stated that Mrs. Lovett would be seeing the back of the storage shed where Mr. Ryan puts his equipment, and they are not using that area. Mrs. Lovett stated that she does not have any concerns about what she has heard.

Mr. Stewart, a small business owner in Walton, distributed copies of letters in regard to his property from the Boone County Planning Commission. He stated that what is right for one should be right for all. Mr. Wireman explained that Mr. Stewart's issue is a separate matter. Counselor Wilson explained the differences between Site Plan approval and the subject request to Mr. Stewart.

Mr. Stewart stated that the use on the subject site is not pre-existing. It was vacated for a year so the zoning goes back to residential. Mr. Ryan stated that he went out of business as an implement dealer on January 8, 1994. Mr. Stewart stated that this is January 10th. Counselor Wilson explained that Kentucky law says that the one-year provision is a

presumption and, unless there was an intent to abandon, abandonment for a year does not amount to loss of pre-existing status.

Mr. Stewart stated that no signs can be posted on the site because of the ordinance. Also, no semis are allowed on a side street. He stated that trucks are not allowed to go back Beaver Creek. Mayor Phil Trzop stated that semis cannot make a lefthand turn onto Old Beaver Road onto Stephenson Mill. Mr. Stewart stated that no trucks are allowed in that area.

Mr. Stewart stated that first Mr. Rich said that they were not going to use the slope area and then he said they want to put a dock there. Mr. Rich stated that the dock is not part of the building and is already there. Mr. Stewart stated that he does not agree with this application.

Mayor Trzop stated that this is the type of small business that fits the criteria for Walton. It is a good, clean, light industry that will not affect the property owners. It is an opportunity to get a small business for the city of Walton and some employment without adversely affecting the neighborhood.

In response to questions from Mr. Wireman, Mr. Rich advised that they have been in operation since April, 1994. They did a job and vacated after about three months. He then used the building again in October and November for about two months. Mrs. Lovett stated that she was not aware they were there. Mr. Ross agreed that there was no problem.

Mr. Bridges stated that he is an adjacent property owner, but will not be abstaining. He is going to build a house on the southwest side and does not feel that will affect his vote.

Mr. Wireman questioned paving the parking area. Mr. Rich stated that they do not know how long they can use the building. They do not have a lease arrangement. He stated that it is solid now and he drove the forklift on it in October. Mr. Wireman agreed that it is solid.

Mr. Wireman stated that the business will provide some employment. Mr. Rich stated that they currently have two employees who live in Walton and they will be coming back with them. He stated that he told the agency that they request people from the area.

Mr. Wethington noted that it is a large lot and questioned the paving requirement. Mr. Hayes advised that, according to the Zoning Regulations, any parking or circulation areas should be paved to control dust and debris on the public right-of-ways. Mr. Wethington questioned the storm drainage retention and water piping under the paving. Mr. Hayes advised that paving the site would create an impervious surface and the water would run off the hard surface. A Certified Engineer in the State of Kentucky has to stamp it and it has to go thru Site Plan Review. Mr. Rich stated that the paving process, stormwater retention, and engineering would cost more than the building is worth. He stated that the requirement is totally impractical and, if it is imposed on them, they will leave.

Mr. Ryan stated that the water would pass a lot of agricultural area before reaching anyone else. If the lot were paved, the water could be let onto the earth without any retention. Counselor Wilson stated that the Board may want to consider defining an area that would not be paved and the balance of the area could be used for parking. Mr. Bridges asked if the state EPA would get involved if the parking is not required. Mr. Hayes replied "no" and advised that the use is pre-existing and it is up to the Board to determine if paving is needed.

Mr. Wethington noted that Mr. Rich indicated that the business will never exceed the current square footage. Mr. Rich stated that is correct, plus the approximate 15' x 25' foot area. Mr. Ryan estimated the additional area to be 12' x 30' or 36'.

Mr. Wethington and Mrs. Huth questioned maximum production. Mr. Rich stated that he could double his dollar volume without doubling the number of employees. Mrs. Huth asked if it would always be day-shift only. Mr. Rich stated that he anticipates day-shift only and would be comfortable with a restriction on the hours of operation as long as he can work on Saturday if necessary. He stated that 12 would be the maximum number of employees where they could move around comfortably in the building and, if they got more than 12 employees, they would have to move out.

Mr. Wethington stated that if the Board does not require the paving, the business may get profitable enough that they would decide to stay. He does not see any sense in making them pave the lot. Mr. Bridges referred to Staff Concern #3 and the possible phasing of the paving.

Mr. Wethington stated that there is a question in regard to the landscaping. Mr. Rich stated that he does not see what they can landscape. Mr. Hayes stated that landscaping along the property line would create a visual screen or a reduction in the view of the property. There could be evergreen trees placed on the east property line at the edge of the parking area to reduce the view by the adjoining residences. Mr. Rich questioned the distance from the property to the road. Mr. Rich advised that it is about 4 feet. Mr. Wethington stated that trees could impair vision there. Mr. Hayes stated that he was referring to the Gross property line. Mr. Ryan advised that that would be the north/south property line. Mr. Hayes stated that it would be possible to put trees there. Mr. Wireman stated that there is a bank there. Mr. Hayes stated that the trees could grow to 50 feet in height and provide a nice visual break, but the trees should not be placed close enough to the road to block the vision.

Mr. Rich stated that the trees should be taken up with Mr. Gross as he may not want them. Mr. Wireman stated that Mr. Gross likes having someone there. Mr. Bridges stated that unless there is a strong objection from the adjoining property owner, who was not present, he is not sure that evergreens are necessary.

Mrs. Huth stated that she lives across the road and can see the site, but that will not affect her vote. The only concern she has is the traffic. Counselor Wilson explained that Mrs. Huth would only be disqualified if she had a financial interest in the outcome.

Mr. Wethington stated that this kind of business is needed in Walton. He noted that there is no pollution. He does not want to impose a lot of restrictions that will inhibit their ability to be successful. He would like a restriction that if they grow to such an extent that the gravel lot becomes a problem, and they decide to stay and are able to afford to do something, they would address noise reduction and gravel/dust.

Mr. Rich asked that they be allowed the hard surface to the dock area. He indicated the location of the dock area and stated that the hard surface would be about 20 feet and go from the edge of the building out to the dock so that they can load and unload trucks. Mr. Wireman stated that this would be an improvement over the gravel.

Mr. Wethington stated that if they get to a certain number of employees, there could be more traffic and more trucks creating a lot more dust and the Board would need to look at it again at that time.

Mr. Rich stated that the use is intermittent at this time but, hopefully, it will become continuous. He suggested that he be required to pave if he generates a certain number of labor hours over a three-month period in order to avoid having to pave due to intermittent cycles. He would not want to have to pave if he had the maximum number of employees for two weeks. Mr. Bridges stated that there could be a three-month contract during which he would meet the criteria, but then the next day he would not have those employees. Mr. Rich stated that he is aware that could happen. Mrs. Huth suggested allowing at least a year.

Counselor Wilson stated that if the Board grants approval, there could be a limit on the number of employees and the use could be limited to the area indicated. The Board could limit the approval to one year or 18 months and then address the problems at that time.

Mr. Rich advised that their normal working hours are 7 A.M. to 7 P.M. and occasionally on Saturday.

Mr. Hayes advised that if the Board imposes a time period of approval, they would be charged the application fee again when they come back. He suggested that a two or three-year approval may be more appropriate in consideration of the fee.

Ms. Hize suggested that they be required to pave the lot if they have 20 employees for an extended period of time. Mr. Wethington questioned how the Board would monitor their employment levels. Mr. Hayes stated that the number of employees may not be the problem -- if they are local people, they may walk. The concern is the number of cars. Mr. Wethington stated that there are not many people on the road that they could hire to walk there. Mr. Rich advised that they do not have any employees that walk. Mr. Wethington stated that if they employ more people, they are doing more business. There would then be more trucks coming in and out, more sales, more cars and, hopefully, they would be making more money.

Mr. Wethington moved to approve the request for a Change in Non-Conforming Use with the conditions that (1) They pave the usable part of the lot when

they reach 20 employees, (2) there is to be no outside storage except for the pallets, (3) the hours are limited to 7 A.M. to 7 P.M., and (4) there can be hard surface to the dock. Mrs. Huth seconded the motion.

Mr. Hayes questioned moving the dumpster within the parking area toward the back of the building. Mr. Ryan stated that a wood enclosure would not be a major item. Mr. Rich stated that when they dump the dumpster they shake it, which makes a lot of noise. Currently, the closest house to the dumpster is Mr. Ross's house and it is 300 yards away. If they move the dumpster it will be up by Mr. Gross's window. He stated that the dumpster is behind the building now and is dumped twice a week, when is as often as they can get it dumped. The dumpster is approximately two yards, which is large enough for them.

Ms. Hize advised that they do not generate a large amount of cardboard or cartons. They break everything down or use the cartons to store parts.

Mrs. Huth suggested a limit on expansion. Counselor Wilson advised that the Board can set the size and if they go beyond it they will have to come back before the Board. Mr. Wethington amended his motion adding Condition #5 that the use is limited to the existing one-third of the building and the storage area.

Mr. Rich questioned expanding inside the building. He stated that there is a space about the size of this room that could possibly be used and there is no concrete there now. He questioned adding concrete inside the building. Counselor Wilson advised that if they want to expand into an area that was not included in what they presented this evening, they will have to come back before the Board.

Mr. Bridges asked if the annual revenue would be tied to the number of employees. Counselor Wilson advised that a condition in that regard would be difficult to enforce -- just because a business is producing more money, it may not be producing additional land use impact.

Mr. Wethington stated that there are city regulations to address a messy garbage area. Mr. Hayes advised that the zoning regulations require that the dumpster be screened by a wood enclosure so that if garbage is spilling out, it is not in view. Mr. Ryan advised that there is not a way to relocate the dumpster on the property in a more practical place. It is the farthest west and along side the road where the trucks can get to it. He noted that a wood enclosure would keep other people from putting their garbage in the dumpster. Mr. Rich stated that they will just screen three sides of the dumpster. Mr. Hayes stated that there would be doors on the enclosure and a lock. Mrs. Huth stated that the enclosure should be large enough for a larger dumpster to be used as the business grows so that the garbage trucks do not have to come more than twice a week.

Mr. Wethington amended his motion adding Condition #6 that the dumpster be enclosed.

Mr. Wethington questioned the parking area across the street. Mr. Rich stated that for loading and unloading the trucks pull in parallel to the face of the building. They can then make a hard righthand turn and a U-

turn so that they are pulling out onto Old Beaver Road going forward. Otherwise, they have to back a 40-foot trailer out onto Old Beaver Road. The building sets 40 feet off the road and the whole trailer will be across the road and the driver will not be able to see until the cab clears the building. Mr. Wethington asked if the employees park across the street. Mr. Rich advised that some of them do and some park by the building. He stated that they can control the parking. He noted that sometimes there is a horse trailer or a farm implement there as Mr. Ryan is still using the property. Mrs. Huth questioned how many cars could park on the side of the building and still allow a trailer to go through. Mr. Rich advised that three could park up close to the front door and they would not be able to park any pointing towards Mr. Gross's property. Mrs. Huth asked how many cars they can park across the street. Mr. Wethington advised that that area is 160 feet. Mr. Wireman stated that they can tell their employees to move if they are getting a truck in. Mr. Rich stated that other people park there all the time, particularly in the summer.

Mr. Bridges stated that he does not think they should be prohibited from working on Saturday.

Mr. Wethington amended his motion changing Condition #3 to say that they can work Monday thru Saturday between the hours of 7 A.M. and 7 P.M..

Mr. Rich stated that being limited to 20 employees bothers him since the number of cars is the issue. Counselor Wilson noted that Mr. Rich had indicated that the maximum number of employees he would have in this area is 12 and he is being allowed 20.

Mr. Wethington stated that the more employees they have, the more business is going on. The employees' cars are parked there for the day. The problem is the trucks coming in and out.

Mr. Wethington amended his motion changing Condition #1 to require that they pave the usable part of the lot when they reach 20 full-time employees.

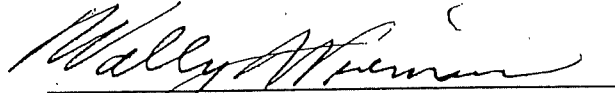
Mrs. Huth asked for a definition of "full-time". Mr. Rich stated that they are people employed by him full shift every day -- not part-timers and not temporaries. Ms. Hize advised that full-time employees work 40 hours per week.

Mr. Hayes stated that it needs to be 20 employees whether they work the full day or not as they will be coming and going and creating traffic. Mr. Rich asked if he would have to report the number of employees every month. Mrs. Huth stated that the business is intermittent and questioned how people employed there could be considered full-time. Mr. Rich stated that people who expect to be there five days a week all day long are full-time employees. Mr. Wethington amended the motion. Mr. Hayes stated that if there is a problem and complaints are received, the site will be inspected. He stated that the condition is that twenty people are allowed in the building at one time and any number beyond that would be in violation of the condition.

The secretary reviewed the motion as made an amended: "Mr. Wethington moved to approve the request for a Change in Non-Conforming Use with the conditions that (1) The usable part of the lot is to be paved when they reach 20 employees, (2) there is to be no outside storage except for the pallets, (3) the hours are limited to 7 A.M. to 7 P.M. Monday thru Saturday, (4) there can be hard surface to the dock, (5) the use is limited to the existing one-third of the building and the storage area, and (6) the dumpster is to be enclosed. Mrs. Huth seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 8:15 P.M..

APPROVED:


Wally Wireman, Chairman

Attest:

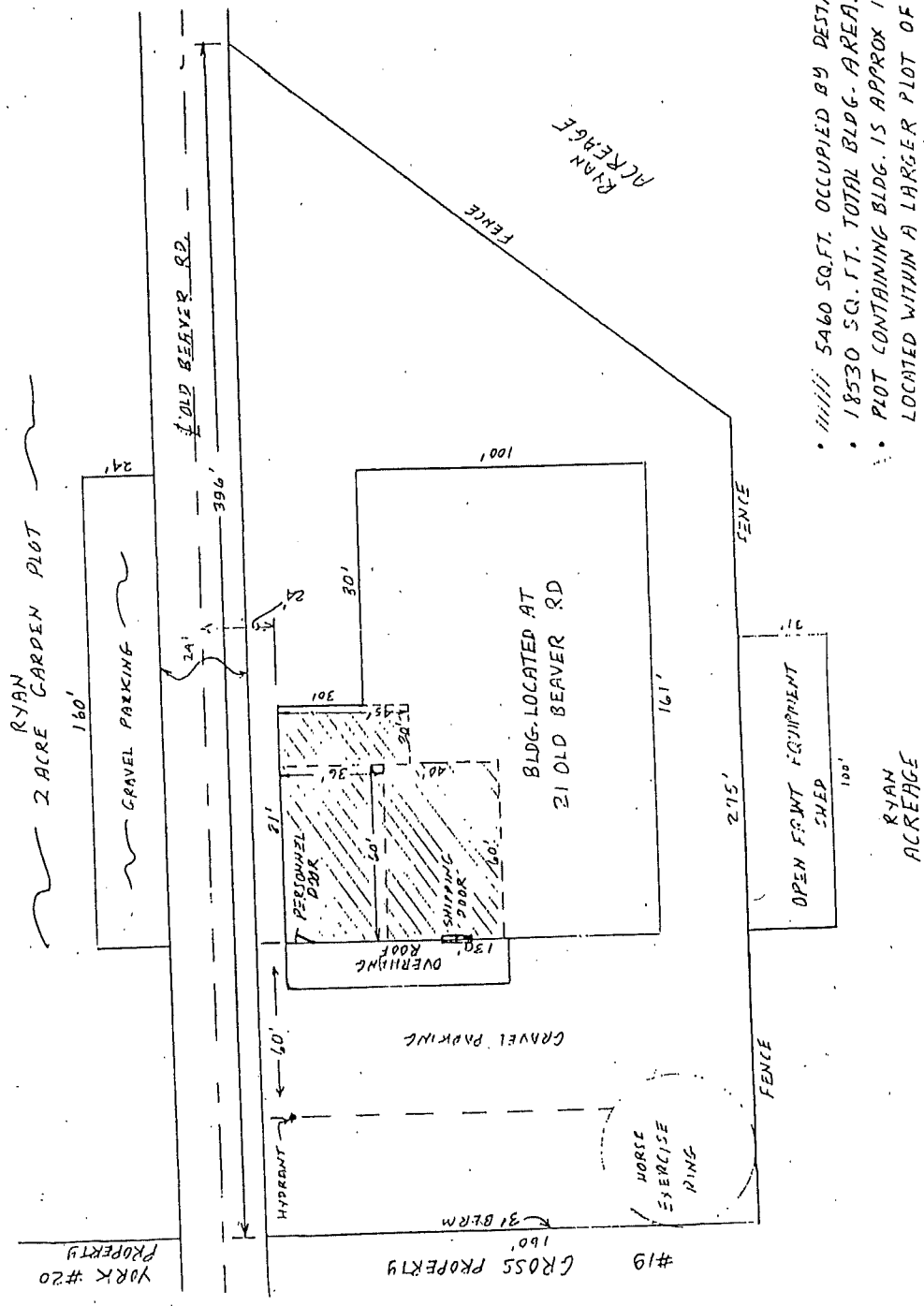

Jan Hancock, Recording Secretary

SHEET #1

1/10/95 SITE PLAN

Application Form
Board of Adjustment & Zoning Appeals Action

SECTION A, ITEM #16



- 5460 SQ. FT. OCCUPIED BY DESTINY, INC.
- 1830 SQ. FT. TOTAL BLDG. AREA.
- PLOT CONTAINING BLDG. IS APPROX 1.23 ACRES LOCATED WITHIN A LARGER PLOT OF SOME BOARDS.

PLOT PLAN, APPROXIMATE
PREPARED BY E. RICH 11-1-94.

APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

AUG 21 2001

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

- (Check One)
1. Boone Florence Walton Union
- (Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name William Burch
 Phone Number 859-485-7112 Fax No. 859-485-4987
 Applicant's Address 738 Eads Rd
Crittenden Ky 41030
 City State Zip
4. Description of Request: Rough Sawn Lumber & Sheet metal
5. Name of Development Burch Sheet Metal and Building Supply
6. Location of Development 21 Old Beaver Rd
7. Acreage Under Review ~~0.79~~ 7.9
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property G. Russell Ryan
10. Address of Property Owner 25 Old Beaver Road Phone No. 485-4633
Walton Ky 41094
 City State Zip
11. Proposed Use(s) on Site Sheet metal & Rough Sawn Lumber
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property SR-1
14. Deed Book 883 Page No. 6 Group No. 2078
15. Is the site subject to a zone change? _____
 If yes, give date of approval _____
16. Have you submitted a Site Plan with this request? Yes
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: William Burch

Property Owner's Signature: G. Russell Ryan

COPY

CLUR #07-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
G. Russell Ryan
25 Old Beaver Road
Walton, KY 41094

2. ADDRESS OF PROPERTY
21 Old Beaver Road
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Burch Sheet Metal and Building Supply

4. DEED BOOK 883 PAGE NO. 6 GROUP NO. 2078

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

 Zoning Map Amendment: Conditional Use Permit
 From _____ To _____

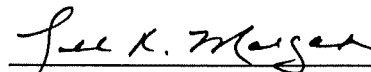
 Development Plan Conditional Zoning

 Subdivision Plat Other: Change in Non-Conforming Use
 (Not Recorded)

 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



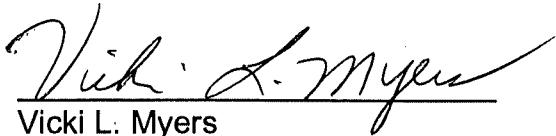
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

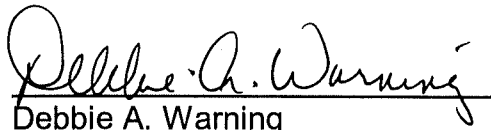
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 10 day of October, 2007.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

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 Change in Non-Conforming Use approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of September 25, 2007 Certificate of Land Use Restriction (#07-WBOA-002-A), for G. Russell Ryan, Property Owner(s).

The following conditions will apply:

- 1) Materials are to be stored inside the building or in the existing shed.
- 2) A 4' x 8' unlit building-mounted sign is permitted on the right-hand side of the overhang.
- 3) The paving of the lot does not have to be upgraded as long as the combined total of employees from all the businesses on the site does not exceed twenty.
- 4) The dumpster must be located inside the building or enclosed so that it is not visible.
- 5) The hours of operation are to be Monday to Friday from 7:00 AM to 6:00 PM and Saturday 7:00 AM to noon. No Sunday hours are allowed.
- 6) Materials that are dropped off must be inside the building, inside the shed or under the overhang by noon on Saturday.
- 7) Materials are to be stored within an acceptable distance from the building.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 883

PAGE NO. 6

GROUP NO. 2078