

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 RANDY HOLT
Phone Number ~~XXXXXXX~~ 727-2700
Applicant's Address _____
- 4. Description of Request: Conditional Use Permit C-2
Automobile repair
- 5. Name of Development _____
- 6. Location of Development Corner of Locust and Main St. Walton, Ky.
~~LOCUST ST & MAIN~~
- 7. Acreage Under Review Approximately 1 Acre (not sure) 75x 190'
- 8. Lot Number and Name of Subdivision (if part of a subdivision) not apply
- 9. Owner of Property . ALVA A. FALLS
Phone Number 485-7106
- 10. Address of Property Owner 9 ALTAVISTA DR
WALTON, KY. 41094
City State Zip
- 11. Proposed Use(s) On Site . STORAGE, REPAIR AND RESTORING OF HIS
PERSONAL CARS AND OTHER STORAGE USE OF HIS PERSONAL PROPERTY
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
? Three Bay Garage 35 feet wide by 25 deep approximately
- 13. Current Zoning on Property C-2
- 14. Deed Book 118 & 283 Page No. 58 & 72 Group No. 2081 ALSO book 715 pg. 15
- 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? yes
- 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]

- Adjoining Property owners:
- ① Fred Spilman
788 Stephenson Mill Rd.
Walton, Ky.
 - ② Donald and Kathleen Bulmar
5522 Rio Ravelio Way
Riverside Calif. 92504
 - ③ HAROLD LUSBY (TRUST)
3412 SMOWY EGRET COURT
PALM HARBOR
EAST FLORIDA 33563
(East Side)
 - ④ Mr. Sexton of Cinti.
(Lot been abandoned for years)
Address unknown in Cinti.

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 4-17-91
2. Fee Received \$516.00 - 26408
3. Is application complete? Yes No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action: _____
_____ Approval
_____ Approved with Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons for Disapproval: _____

BCPC:7/11/88

STAFF REPORT

#2

APPLICANT: Randy Holt
REQUEST: Conditional Use Permit
LOCATION: North Main Street at Locust Street, Walton, KY
ZONE: Commercial Two (C-2)
DATE: May 15, 1991
REMARKS:

The applicant is requesting a Conditional Use Permit to allow the use of an existing building for "storage, repair, and restoring of his own personal cars and other storage use of his personal property." The 0.33 acre site, located on the southeast corner of North Main Street and Locust Street, is zoned Commercial Two (C-2) and is owned by Alva Falls.

History

According to the owner, this property has been used for some type of business for about fifty (50) years. From about 1940 through 1960, her husband ran his oil and water business from the site. From 1960 through 1965, she rented the property to a man who stored and repaired his own vehicles and trucks. After a series of other tenants, she rented the site to a Mr. Hensley, who stored concrete forms until about two and one-half years ago. About four (4) months ago, she rented the property to the applicant, who began to store and repair his own vehicles and other property on the site. This activity falls within the classification of "gasoline service stations, including normal maintenance, repair, and wash services" even though the owner indicates the tenant does not do work for others. This request is before the Board because of a complaint received by the City regarding the new use on the site. (Copies of the owner's description of the property and the Zoning Administrator's response are attached.)

Surrounding Land Uses and Zoning

The surrounding land uses and zoning include:

north -	restaurant (currently vacant)	-	C-2
south -	single family residence	-	C-2
east -	railroad	-	SR-1
west -	houses, small business	-	C-2

Review

The following reviews the general criteria which the Board must apply to all requests for Conditional Use Permits:

1. The Future Land Use map of the 1990 Boone County Comprehensive Plan indicates the future use of this area to be Commercial. The text of the Land Use element of the Plan makes no specific mention of the site. However, it does explain that "commercial development along U.S. 25 should also experience infilling, and should remain local in nature." (p. 225). An objective of the Business Activity Element of the Plan reads:

The large scale mixing of commercial and non-commercial uses shall occur in planned developments and replanned older areas where consideration can be given to assure compatibility with surrounding land uses. Small scale mixing of commercial and office uses in residential areas shall be carefully assessed and located so as to enhance the neighborhood. (p. 5)

2. The Board must consider the "essential character" of the area to determine whether the applicant's proposed use will be designed, operated, and maintained so as to be harmonious and appropriate in appearance.
3. If properly run, a repair garage and private storage facility should not be hazardous to existing or future neighboring uses.
4. According to a representative of the City, the site is not adequately served by essential public facilities such as storm water drainage, water, and sewer. The difference in elevation between the property and the surrounding area prevents it from being properly served.
5. Additional excessive requirements to extend public facilities to the site would not be detrimental to the economic welfare of the community because the owner would be responsible for making the necessary improvements.
6. If properly run, a repair garage with storage should not involve uses, activities, processes, materials, equipment, and 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. Access to the site is off of Locust Street. Its location should not create and interference with traffic on the public thoroughfares. However, due the steepness and angle of the driveway, vehicles, especially tow trucks, will have difficulty maneuvering to and from the site. These slow movements may interfere with traffic on Locust and North Main Streets.

The Board must also consider the following standards which apply to Conditional Uses in C-2 districts:

- a. The use must further add to, and not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center.

- b. The arrangement of uses, buildings, or structures must be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Conclusion

If the Board decides to approve this request for a Conditional Use Permit, Staff recommends the following conditions be considered:

1. That the applicant be required to obtain site plan from the Boone County Planning Commission to ensure that the property is developed according to the minimum standards of the Boone County Zoning Regulations. During this review, the following items, among others, would be addressed: paving, landscaping, buffering and screening, signs, sewerage, availability of water, storm waster runoff management, and access.
2. That the applicant be required to screen, with either a privacy fence or landscaping, all outside storage of vehicles awaiting service.

Respectfully Submitted,

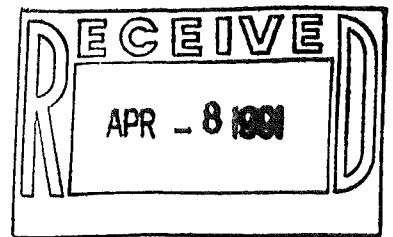


Thomas W. Breidenstein
Zoning Enforcement Officer

TWB:kat

Planning and Zoning

Sat. noon



Mr. Keven Costello

Dear Sir:

In regard to my garage an lot on corner of Locus and Main in Walton:
As per phone call, I will explain that this property I own has been rented to Jim Hensley, manger of the Hensley Construction Co. For his use in the past 2 and one-half years, as storage of his trucks and constructions form and material he used in his business of constructions of foundations of home building business. Mr Hensley is a resident of Walton,

he used it and kept the place in an orderly manner, The garage is in good condition, with electric, a stove and partly concrete floor, very useft and good location, for the type C.2 property, this is what the propperly was used for before zoning came into existance.

My late husband used it for his oil and water distributness business for many, many years as a place for his three trucks, storage oil and water tank and working space for his business.

I have no problem, before, but seems sice Mr. Wensley gave up his lease to my property last fall do to his health reasons, I now have it rented to Mr. Randy Holt of Burlington, Ky. Of which he is using it as same, for his storage of his personal possessions, cars parking etc. He will explain to you as you recuested. He has and is improving my property,

We do not quite understand Mr/ Terzop attitude of harassemnt and orderin his to remove his things and not to work in the garage. Mr. Holt is not creating a munk yard we have numerous ones here in our town it seems.

Please feel free to visted this property and see that the complaint can be resolved. I apy taxes to the County and city for this property, and feel I have legal rights to recieve income fro use of it to Mr Holt in same way as in previous years, without complaint. Please assist us in this matter. I feel since Mr Holt is not a local person, seems the trend is a personal matter.

Sincerely:

Alva A. Falls. 485-7106

xxxxxx10

Randy Holt
727-2709

e

Kevin

BOONE COUNTY PLANNING COMMISSION

2995 Washington Street Burlington, KY 41005

606-334-2196 FAX 606-334-2264



April 12, 1991

Ms. Alva A. Falls
9 Altavista Drive
Walton, KY 41094

**RE: Proposed Use at 19 Locust Street
Walton, Kentucky**

Dear Ms. Falls:

I have examined the contents of your recent letter. I understand the previous uses on your property located at 19 Locust Street in Walton. I have also inspected the property with Mr. Randy Holt, who is currently using your property as a business to repair and sell vehicles. In my site visit, I noticed four vehicles stored outside the existing building and two inside the building. Also, I noticed the presence of vehicle repair tools.

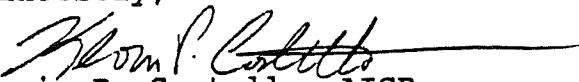
It is my opinion that Mr. Holt can continue his business, only if he applies to the Walton Board of Adjustment for a Conditional and receives a Conditional Use permit to allow for the sale of vehicles and for vehicle repair services as stated in the Commercial Two (C-2) zoning district.

If you or Mr. Holt would like to apply for a Conditional Use Permit, please contact Mr. Thomas W. Breidenstein from our office about the application procedure. For your information, I have enclosed a summary of what is required when an individual applies for a Conditional Use Permit. If you or Mr. Holt are not interested in pursuing a Conditional Use Permit, then Mr. Holt's existing use or business must cease immediately.

Ms. Alva Falls
April 12, 1991
Page 2

I trust this information is sufficient in meeting your needs.

Sincerely,


Kevin P. Costello, AICP
Assistant Director / Zoning Administrator

KPC/vlm

cc: Thomas W. Breidenstein, Zoning Enforcement Officer
Phil Trzop, City of Walton

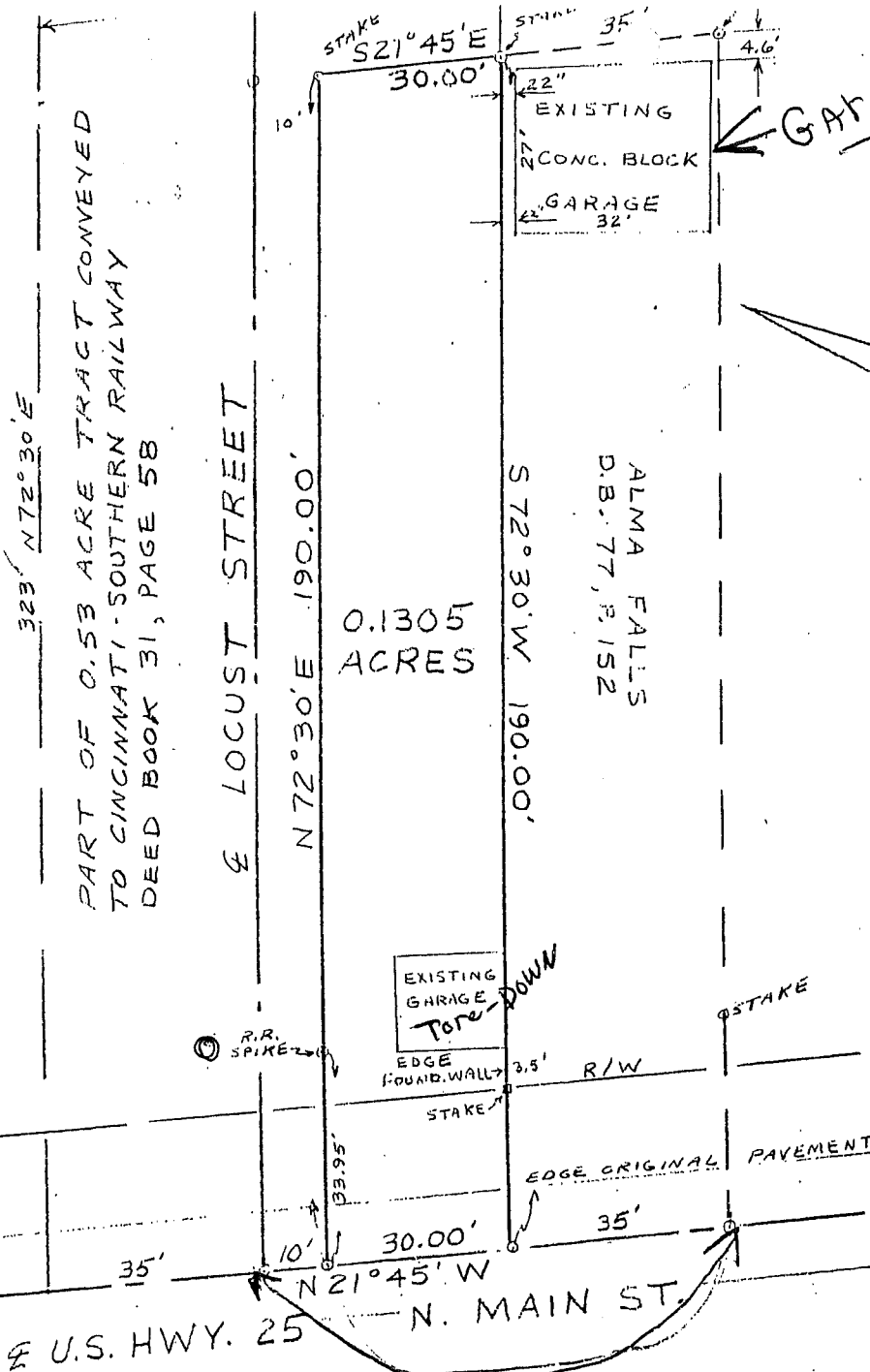
Enclosure

The Boone County Planning Commission.

Chairman _____ Date _____

This is the First subdivision of the original property under present ownership and is in compliance with all applicable zoning regulations.

Tom R. McNeely
 U.S. No. 2030 Date 8-23-79



Holt
5-15-91

Tim R. McNeely
 REGISTERED LAND SURVEYOR
 2592 BELLEVUE RD.
 BURLINGTON, KY. 41005
 TELEPHONE 586-6497

STATE OF KENTUCKY
 T. R. McNEELY
 2030
 REGISTERED
 LAND SURVEYOR

0.1305 ACRE TO BE CONVEYED BY CINCINNATI-SOUTHERN RAILWAY TO ALMA FALLS		
PART OF ORIGINAL TRACT 0.53 ACRE DEED BOOK 31, PAGE 58	SCALE: 1" = 30'	DRAWN BY: T.Mc.
EAST SIDE U.S. HIGHWAY 25 (N. MAIN STREET) INTERSECTION LOCUST STREET, WALTON, KY.		
8-23-79	REG. LAND SURVEYOR: <i>Tom R. McNeely</i>	3-26

75' X 190'

MATHIS, DALLAS & FROHLICH
Attorneys at Law

Kentucky National Bank Bldg.
19 North Main Street
Walton, Kentucky 41094
(606) 485-7727

Willie Mathis, Jr., P.S.C.
Stephen K. Dallas, P.S.C.
Anthony W. Frohlich, P.S.C.
David W. Martin, P.S.C.
Terry R. Edwards, P.S.C.

Kentucky National Bank Bldg.
7992 Dixie Highway
P.O. Box 6205
Florence, Kentucky 41042
(606) 525-6161
FAX: (606) 525-6194

PLEASE REPLY TO: FLORENCE OFFICE

May 15, 1991

Walton Board of Adjustment
c/o Boone County Planning Commission
2950 Washington Street
P.O. Box 596
Burlington, KY 41005

Re: Applicant: Randy Holt
Request: Conditional Use Permit
Location: North Main Street at Locust Street
Walton, KY
Zone: Commercial 2 (C-2)

Dear Members of the Walton Board of Adjustment:

At a regularly scheduled meeting of the Walton City Council on Monday, May 13, 1991, the Walton City Council directed me to write to you to urge you to follow what has become the first recommendation of the conclusion of the staff report, i.e., that if the Board decides to approve this request for a conditional use permit, the applicant be required to obtain site plan approval from the Boone County Planning Commission to insure that the property is developed according to the minimal standards of the Boone County Zoning Regulations. During this review, the following items, along others, would be addressed: Paving, landscaping, buffering and screening, signs, sewerage, availability of water, storm water runoff management, and access.

Thank you for your consideration in this matter.

Sincerely,

Terry R. Edwards

Terry R. Edwards
Walton City Attorney

TRE/jvh

cc: Mayor William M. King

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To <i>T. Breidenstein</i>	From <i>T. Edwards</i>	
Co.	Co.	
Dept.	Phone #	
Fax # <i>334-2264</i>	Fax # <i>525-6194</i>	