

REVIEW NO. _____

APPLICATION FORM ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development MARY E RIEGLER and ESTATE OF LEON RIEGLER
2. Location of Development LONG BRANCH RD - UNION KY 41091
3. Total Acreage of Site approx 30
4. Current Zoning A2
5. Proposed Zoning (classification being requested) A1
6. Proposed Uses (please specify each use) PLACEMENT OF A DOUBLE WIDE MOBILE HOME ON A TEMPORARY BASIS
2 & 4 yrs.
7. Name of Applicant(s) MARY E RIEGLER
Phone Number(s) 371 8122 282 9707
8. Address of Applicant(s) 1562 SHADY COVE LN -
FLORENCE KY 41091
City State Zip
9. Name of Property Owner(s) MARY E RIEGLER
Phone Number(s) 371 8122 282 9707
10. Address of Property Owner(s) 1562 SHADY COVE
FLORENCE KY 41091
City State Zip
11. Proposed Building Intensities (please specify) 1
MOBILE HOME
12. Are there any existing buildings on the site? YE 3
How many? 4 BARNS
13. Deed Book 252 Page No. 344 313 Group No. 2046
14. Have you had a pre-application meeting with BCPC staff? YES
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- no Boone County Water and Sewer District
- no Florence Water and Sewer Commission
- no Union Light Heat and Power
- yes Cincinnati Bell
- yes Owen County Rural Electric
- no Boone County Road Department
- no Kentucky Transportation Cabinet
- no City of Florence Public Works Department
- no City of Walton Public Works Department
- yes Northern Kentucky Health District
- no U.S. Soil Conservation Service
- Boone Co Local School District
- Union Ky Local Fire District
- Other: _____

(COMPLETE OTHER SIDE OF APPLICATION)

Contract
Ron Riegler
P.H.
2/18/90
7:00 P.M.

EXHIBIT "A"

Request of Mary E. Riegler (owner) for a Zoning Map Amendment on a 68.8 acre site located on the south side of Longbranch Road (approximately 1.25 miles east of Camp Ernst Road), Boone County, Kentucky

July 17, 1990

The applicant is requesting a Zoning Map Amendment from Agricultural Estate (A-2) to Agriculture (A-1) to allow the continued use of a mobile home recently installed on the farm.

Background

Attached is a letter from the applicant to the Commission explaining her desire for the zone change. Basically, the applicant desires to maintain a mobile home which was moved onto her farm without permits so that its occupant may help maintain her farm. She also explains that since there was one mobile home on the farm at the time she moved this unit there, and since she claims that a second mobile home had been located on the farm, she assumed that she was entitled to install the mobile home in question without permission. If indeed there ever were two mobile homes on this farm at one time, any protected non-conforming status was lost with the passage of more than ten years time, according to the attached letter from the Interim Zoning Administrator. Finally, the applicant states that the mobile home will be only a "temporary arrangement of approximately 2 to 4 years."

Surrounding Land Uses and Zoning

north --- A-2; agricultural, single family residence
south --- A-2, RSE; agricultural
east --- RSE; agricultural
west --- A-2; agricultural

Site Features

The subject property consists of rolling terrain which is used primarily for agricultural purposes. Currently, there is one mobile home, surrounded by five barns, on the farm. This mobile home replaced a conventionally built house which burned some time before 1985 (according to aerial photographs). At that time, state law allowed each farm one mobile home, regardless of the local zoning. This law changed in 1986 so that permission for mobile homes on a farm is determined by the local zoning ordinance.

The site is accessed from Longbranch Road by a 0.3 mile right-of-way located along the Long Branch Creek, which flows north to Gunpowder Creek. This right-of-way crosses the creek twice: once by a narrow concrete bridge, and further south by a ford. Finally, the property is bisected on its western edge by an electric easement; however, the mobile home in question is not affected by the easement since it is located on the northern part of the farm.

Relationship to Comprehensive Plan

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Rural Density Residential (RD), which is described as "residential uses that do not exceed one dwelling unit per acre. This includes isolated houses with no connecting agricultural uses, but does not include solitary farm residences." (p. 198) On the other hand, the Rural Lands (RL) classification, which is designed for "areas which should remain in a rural character" (p. 197) within the twenty-five year planning horizon, is the future land use category more appropriate for the most rural of zoning classifications (ie. A-1).

The Land Use element of the Plan describes, in part, the "Union Area" as follows:

In general, this section should experience considerable residential growth due to Union's current residential nature and growth associated with the City of Florence. Most of the residential development should be of Suburban or Rural Density. (p. 216)

The Goal of the Housing Element of the Plan is "safe, decent, and sanitary housing exists for all Boone County residents." (p. 5) The Objectives of the Housing Element include:

1. A broad range of housing opportunities shall be provided at locations which meet the needs and desires for all household types.
5. In order to offer the citizens of Boone County maximum choice in living environment, residential development plans shall be judged primarily on the basis of gross density (average number of dwelling units per acre) and development design, with only secondary consideration given to type of dwelling unit.
12. Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access. (pp. 5-6)

The text of the Housing Element of the Plan makes the following statement about mobile homes:

The only high-density residential uses that should occur outside of urbanizing areas are either planned developments with adequate infrastructure (or) mobile home parks which help reduce the proliferation of isolated mobile homes in rural areas. Individual mobile homes have presented a problem of inefficient and sometimes illegal land use in the rural areas, and since they are increasing in number, efforts should be made to ensure that these mobile homes conform to basis health and safety considerations. The most efficient way to do this is to concentrate most of these units in properly maintained mobile home parks. This applies mainly to the rural western and southern portions of the county. (p. 112)

Finally, an Objective of the Agricultural Element reads:

2. Any intrusion by urban residential, commercial, or industrial uses into agricultural areas shall result only from logical expansion of the urbanizing community as defined by the Land Use Element.

Conclusion

The Planning Commission and Fiscal Court must evaluate this application in terms of the statutory criteria for any zone change request. Following are these criteria and Staff's review:

1. *The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question, or;*

As alluded to above, the Future Land Use map indicates the future of this property to be Rural Density, not Rural Lands which is a future land classification better exemplified by the A-1 zoning district.

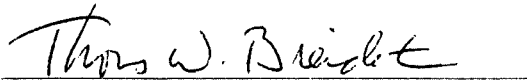
2. *The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate, or;*

The existing zoning is more in character with the zoning of surrounding properties.

3. *There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.*

The applicant has not described, and Staff is unaware of, any such major changes in the are.

Respectfully submitted,



Thomas W. Breidenstein
Zoning Enforcement Officer

TWB:kat

LEN RIEGLER BLACKTOP CO., INC.

19 LENDALE DRIVE
FLORENCE, KY 41042
(606) 371-8122



JUNE 26, 1990

BOONE COUNTY PLANNING AND ZONING
BURLINGTON, KENTUCKY 41005

THIS IS A REQUEST FOR A ZONE CHANGE AT MY FARM PROPERTY LOCATED ON LONG BRANCH ROAD IN UNION KENTUCKY. WE WOULD LIKE TO CHANGE THE ZONING FROM A2 TO A1 IN ORDER TO ALLOW A SIDE BY SIDE MOBILE HOME ON THE FARM. THIS IS A 30 ACRE AREA, WHICH IS THE MINIMUM PLANNING AND ZONING WILL ALLOW FOR REZONING. THE FARM IS 3,500 FT. OFF OF LONG BRANCH ROAD.

I AM TRYING TO RELOCATE A YOUNG MAN, PAUL LABARE, AND HIS FAMILY AT THIS FARM. HE HAS BEEN AN EMPLOYEE OF OURS FOR MANY YEARS, AND IS IN NEED OF A HOME TO RAISE HIS FAMILY. I HAVE HAD DIFFICULTY MAINTAINING THE FARM SINCE MY HUSBAND'S DEATH, AND MR. LABARE HAS AGREED TO HELP WITH THE MAINTENANCE. THIS WILL ONLY BE A TEMPORARY ARRANGEMENT OF APPROXIMATELY TWO YEARS.

to y

WE WERE UNAWARE THAT WE NEEDED PERMISSION FOR THIS SINCE THE PROPERTY HAD BEEN USED AS A MOBILE HOME LOT IN THE PAST. ALSO, HOLIDAY HOMES NEGLECTED TO INFORM US THAT WE WOULD NEED PERMISSION FOR THIS SITE.

WE HAVE OWNED THIS FARM SINCE 1962. THERE HAS BEEN TWO HOUSES AND TWO MOBILE HOMES AT THIS LOCATION, WHICH HAS BEEN VERIFIED BY OUR NEIGHBORS.

WE HOPE THIS MATTER CAN BE SPEEDILY TAKEN CARE OF SINCE MR. LABARE HAS SPENT HIS ENTIRE SAVINGS ON THIS HOME.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

SINCERELY,

Mary E. Riegler

MARY E. RIEGLER

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 596 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

(606) 334-2196

FAX (606) 334-2264

MR. WILLIAM R. VIOX
CHAIRMAN
MR. FRED BURCH
VICE CHAIRMAN
MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR
MR. D. T. WILSON
ATTORNEY

June 25, 1990

Mr. Ron Riegler
Len Riegler Blacktop Company, Inc.
8494 Pleasant Valley Road
Florence, KY 41042

RE: Labare Mobile Home on 200 acre
Riegler Farm off Longbranch Road

Dear Mr. Riegler:

I have examined the written material you submitted to our office regarding the placement of the Labare mobile home on your family's 200 acre farm located off Longbranch. The current zoning of your farm is Rural Suburban Estates (RSE) and Agricultural Estate (A-2). Both of these zoning districts do not permit mobile homes. At the present, two mobile homes exist on the site, of which one (Labare mobile home) was installed recently without approval from our office.

Based upon the written information and our discussions, I have determined that your property is entitled to one mobile home only since one is considered to have a pre-existing, non-conforming status. I feel that the other mobile home, which may have existed in the 1970s has been abandoned. Consequently, I have determined that you have the following options to resolve this matter.

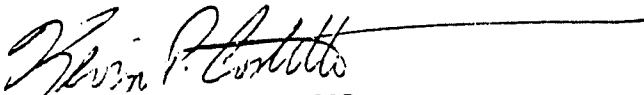
1. Remove the Labare mobile home immediately in order to comply with the current zoning regulations.
2. Remove the older mobile home from the site and I would permit you to keep the Labare mobile home since the Labare mobile home is within close proximity of the older mobile home and a previous mobile home that existed in the 1970s.
3. Replace the Labare mobile home with a "modular" unit or another type of unit that is not considered to be a mobile home.
4. Apply for a Zoning Map Amendment to change the current zoning to Agriculture (A-1) in order to allow the mobile home.

I would like to emphasize that if you pursue the Zoning Map Amendment option, there are some risks involved. One risk is the fact that the request can be denied. Because of this fact, I would recommend that the use be discontinued until this matter can be resolved.

MR. RON RIEGLER
JUNE 25, 1990
PAGE TWO

I trust this letter is sufficient in meeting your needs. If our office can be of any further assistance, don't hesitate to contact me at 334-2196.

Sincerely,


Kevin P. Costello, AICP
Interim Director / Zoning Administrator

KPC:kat

cc: William R. Viox, Chairman



Future Land Use

Riesler 7-18-90

1862-0520

BOONE COUNTY

1862-0520

1862-0520

1862-0520

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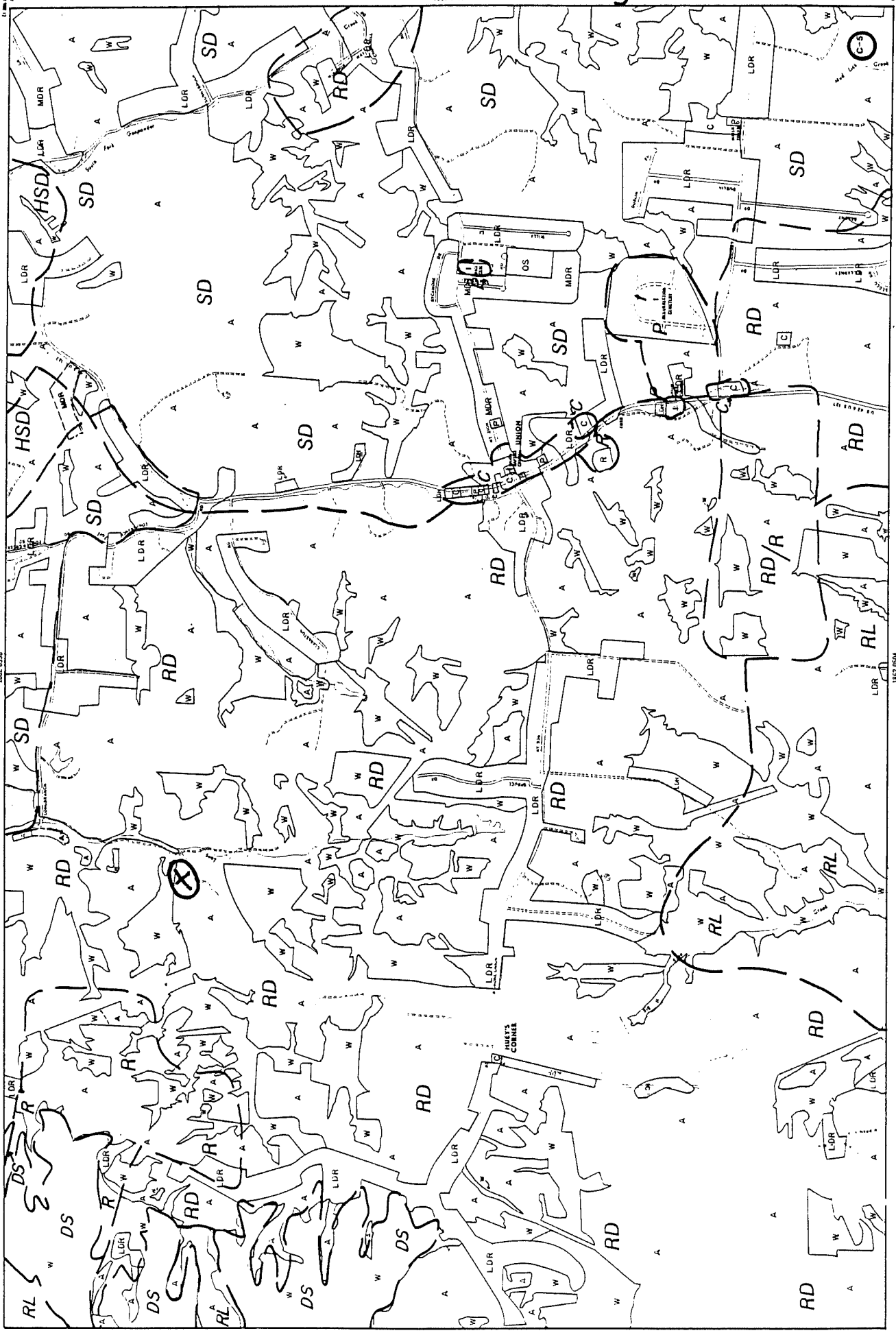
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1862-0520



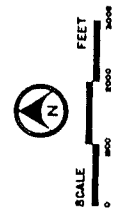
(X) mobile home

Boone County Kentucky ZONING MAP LEGEND

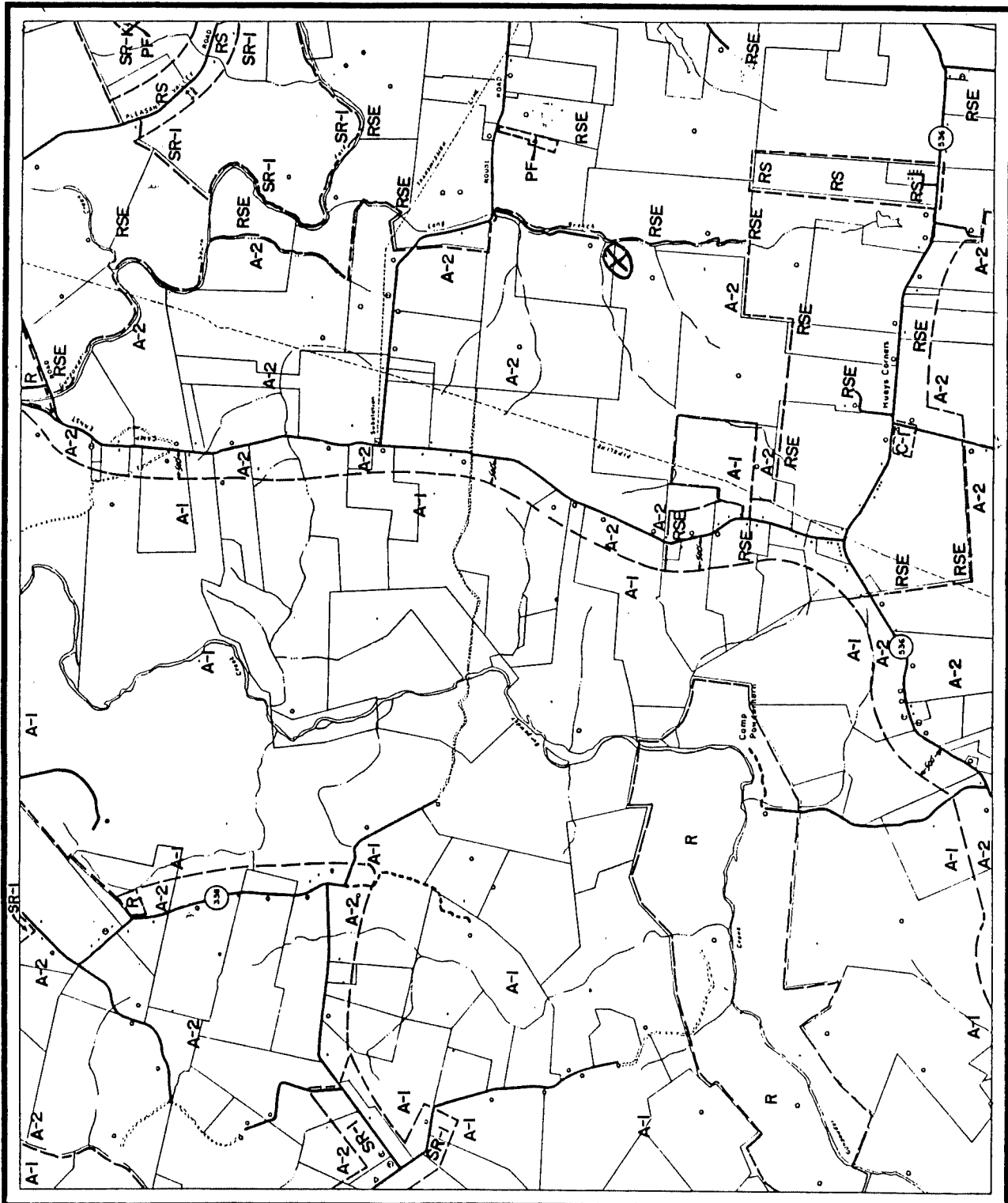
- A-1
- A-2
- RSE
- RS
- SR-1
- SR-2
- UR-1
- UR-2
- UR-3
- MHP
- R-1F
- C-1
- C-2
- C-3
- C-4
- O-1
- O-2
- I-1
- I-2
- I-3
- PF
- A
- /PD
- /SC
- /H

A-1 Single-Family Detached Dwelling
 A-2 Single-Family Detached Dwelling
 RSE Residential Single-Family Estate
 RS Residential Single-Family Detached
 SR-1 Single-Family Detached
 SR-2 Single-Family Detached
 UR-1 Urban Residential
 UR-2 Urban Residential
 UR-3 Urban Residential
 MHP Medium Density Residential
 R-1F Rural Residential
 C-1 Commercial General
 C-2 Commercial General
 C-3 Commercial General
 C-4 Commercial General
 O-1 Office Professional
 O-2 Office Professional
 I-1 Institutional
 I-2 Institutional
 I-3 Institutional
 PF Professional Office
 A Assembly
 /PD Public Use
 /SC Special Use
 /H Historic District
 (CD) Community Development District

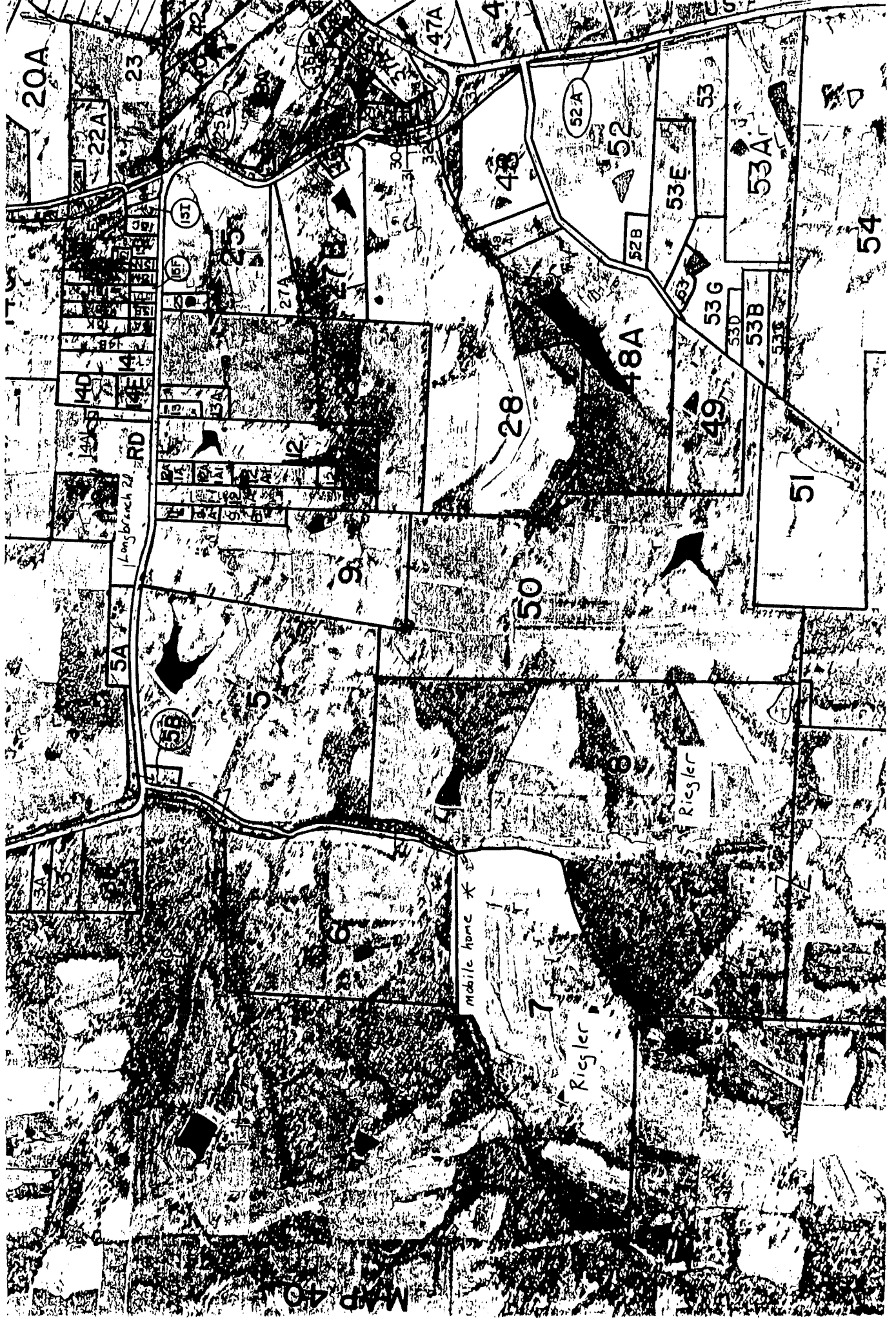
Revised AUGUST 1988. Adopted AUGUST 1988.
 Prepared by
BOONE COUNTY PLANNING COMMISSION
 Legislative Approval Date: 11/11/88
 Approved by the Board of Commissioners, 11/11/88
 WALTON 12807
 BASE MAP SOURCE: U.S. Geological Survey 7.5 Minute
 Series Topographic Maps (1890-1974); Kentucky
 Department of Transportation and
 Planning (1963); Boone County Planning Commission
 (1978).
 *The preparation of this document was financed with
 federal, state, and local funds under a Joint Funding
 Agreement between Boone County and the State of
 Kentucky. The project was prepared under the auspices of
 the Metropolitan Council of Governments.



SECTION 11



⊗ mobile home



20A

22A

23

Longbranch Rd

14D

14C

14B

14A

14

13

12

11

10

15F

15E

15D

15C

15B

15A

27A

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29

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47A

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48A

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51

52

53

52A

52B

53

53A

53B

53C

53D

53E

53G

54

mobile home *

Riesler

Riesler

MAP 40

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3
July 18, 1990

Page 1

Mr. Burch introduced the last item on the Agenda:

3. Applicant: Mary E. Riegler for Mary E. Riegler and
The Estate of Len Reigler (owners)
Request: Zoning Map Amendment

The request of Mary E. Riegler (applicant) for Mary E. Riegler and The Estate of Len Riegler (owners) for a Zoning Map Amendment for property located on the south side of Longbranch Road, approximately 1.25 miles east of Camp Ernst Road, Boone County, Kentucky. The request is to rezone the 30-acre site from Agricultural Estate (A-2) to Agriculture (A-1) in order to allow one mobile home.

Staff Member, Tom Breidenstein, began the presentation of the Staff Report which included a slide presentation (see Staff Report).

Counselor Wilson advised that prior to 1986, mobile homes were exempt from the state statute. In 1986, the state statute was changed so that the agricultural use of the land would be exempt, but structures (including mobile homes) would be subject to the regulations.

At this time, Mr. Breidenstein completed the Staff Report.

Mr. Burch asked if the applicant was present.

Mr. Ron Riegler stated that this is his parents' farm. They did not know about the zone changes when they did this. He stated that Paul Labare and his family needed a place for a trailer until they get enough money for a house and they would be helping with the farm. He stated that the farm sits back. He added that they asked for a zone change on 30 acres as they were told this was the minimum a mobile home would be allowed on.

Mr. Burch asked if there was anyone else present who wished to speak in favor of the request. There was no response.

Mr. Burch then asked if there was anyone present in opposition to the request of having questions.

Mr. Jim Dahl stated that he owns the farm that the lane goes through to get to the Riegler property. He is against the zone change. He stated that this is more or less a private drive with easements. He stated that he thought you only needed five acres for a trailer.

Counselor Wilson explained that there is a minimum requirement of 30 acres for the A-1 Zone, but the 30 acres does not have to come from one farm. If there was A-1 zoning in the area, then land could be attached to it. Mr. Costello noted that there is no A-1 zoning in the area. He added that if the property was properly zoned, there would then be a minimum lot size requirement of five acres.

Mr. Jim Dahl stated that there is a lot of traffic on the road, which they want to cut down. He noted that his son's home is not far from where the trailer would be. He suggested that possibly it could set on another part of the farm. He questioned if this zone change could be done on a temporary basis to help them out.

Mr. Burch advised that the zone change could not be temporary, but there could be a condition that there be only one mobile home. Counselor Wilson agreed that there could be such a condition, if it is agreeable to the property owner.

Mr. Jim Dahl stated that there are three farms that go back on the lane, which may be all that is permitted on the easement. He stated that next week they could come to get a mobile home on the other part of their property.

Counselor Wilson advised that the Commission would look at the character of the area. He noted that approving this mobile home would not give the go ahead for everyone to have mobile homes.

Mr. Jeff Dahl stated that his house is next to the trailer. He stated that they work for the Rieglers, but they do not farm there (referring to the occupants of the trailer).

Mr. Grover Hatton, 2569 Longbranch Road, stated that the access road goes through his property. It is an 8' wide right-of-way. There are a lot of dust problems. The extra traffic on the road creates dust. There is a one-lane bridge with no guardrail. He stated that this would be the second mobile home and questioned if more mobile homes would be allowed.

Mr. Dan Tanner stated that he lives on the farm in front of the Rieglers. He stated that if they change the 30 acres, there could be 10 trailers on all of the acreage. The right-of-way is on his property by verbal agreement and it needs to be upgraded. He stated that this will set a precedent of spot zoning to accommodate trailers. He asked that there be a stipulation in the zone change that there be only one trailer.

Mr. John Lovelace stated that he and his wife reside on a farm in the front part of the right-of-way. He is opposed to the request for the same reasons as Mr. Dahl.

There being no further comments from the audience, Mr. Burch asked if there were any comments from the Commission.

Mr. Burch questioned if the other trailer was on this thirty acres and Mr. Riegler advised that it is not. In response to questions from Mrs. Smith, Mr. Riegler added that the first trailer is occupied by Tom Brockoff and his wife who helps with the farm as far as bushhogging. They rent the farm as far as hay and crops. Mr. Riegler stated that his mother does not have a home on the farm which is 189 acres total. He agreed that there are two or three barns and two mobile homes. The trailer is about one-half mile back from the road.

Mr. Jeff Dahl stated that the only reason Mr. Brockoff would have moved there would be to get less pay as he does not do any work.

Mr. Collins questioned if the home will be occupied by anyone needing school bus service.

Mr. Riegler replied, "no"; and added that the school bus picks up on Longbranch Road.

Mr. Neltner noted that the letter from Mrs. Riegler indicates this to be a temporary arrangement of two to four years. He asked if the trailer would be removed at that time.

Mr. Riegler stated that this was set up so that the boy would not have to pay rent so that he could get enough money together for a place of his own. He will bushhog and clear and help put in tobacco and hay. Mr. Riegler stated that the trailer will go for two years, then another two years, and then be removed.

In response to questions from Mr. Sharp, Mr. Riegler stated that the current occupant of the mobile home is not related to them. He has been there eight years or more working and has never paid any rent. He added that two barns burned down and that kids were going back there drinking. They put the tenant there to try to stop some of the people from going back there. They propose to put a gate up at Longbranch Road to keep other people from going back there that should not be back there.

Mr. Greene questioned the distance to the closest residence from either of the mobile homes. Mr. Riegler advised that it is from 800 to 1,000 feet.

Dorothy Deshon, 2859 Longbranch Road, stated that her property does not adjoin the subject property, but is in the general area. She noted that the Rieglers put the trailer on the property not knowing that it was in violation of the zoning ordinance. Ignorance of the law is no excuse for breaking the law. They now want the Commission to let them leave the trailer there because it is there. This would set a poor precedent. She is opposed to the zone change.

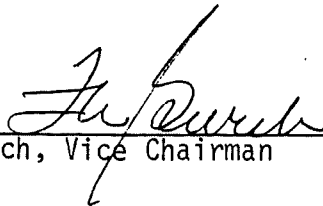
There being no further comments, Mr. Burch stated that this item will be on the Agenda for the Business Meeting on August 1, 1990 at 8 P.M.. He suggested that interested parties check with the Staff Office to be sure it will be heard that evening. Mr. Burch closed this Public Hearing.

APPROVED:

Attest:



Jan Hancock, Recording Secretary



Fred Burch, Vice Chairman

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

August 15, 1990

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mr. Thurman Owens

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received a copy of the Minutes of the August 1, 1990 Business Meeting and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Collins moved that they be approved as mailed. Mr. Kirby seconded the motion and it carried unanimously.

Chairman Viox asked for a roll call vote on the motion made by Mr. Burch which found Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. Jones, Mr. McMillian, Mr. Sharp, Mrs. Smith, and Chairman Viox in favor. Mr. DeLong, Mr. Greene, Mr. Kirby, Mr. Neltner, and Mr. Rush were opposed. The motion carried by a vote of 8 to 5.

2. Zoning Map Amendment

The request of Mary E. Riegler (applicant) for Mary E. Riegler and the Estate of Len Riegler (owners) for a Zoning Map Amendment on a 30-acre site located on the south side of Longbranch Road, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agriculture (A-1) in order to allow one mobile home.

Mr. Costello read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The Report was based on the statements made and the facts gathered at the July 18, 1990 Public Hearing. Mrs. Riegler has signed the letter agreeing to the conditions.

Mr. Collins moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Greene seconded the motion.

In response to a question from Mr. DeLong, Counselor Wilson advised that this would be a recommendation to the Fiscal Court. If they approve it with the conditions, the zoning classification is subject to the conditions. If a condition is invalidated, then the zoning classification is invalidated.

Chairman Viox asked for a roll call vote on the motion made by Mr. Collins which found Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. DeLong, Mr. Greene, Mr. Kirby, Mr. Neltner, Mr. Rush, Mr. Sharp, and Chairman Viox in favor. Mr. Jones, Mr. McMillian, and Mrs. Smith were opposed. The motion carried by a vote of 10 to 3.

3. Utilization of an Underlying Zone in Planned Development

The request of GBBN Architects (applicant) for Buchanan Development Corporation and N. K. Management (owners) for the Utilization of an Underlying Zone in Planned Development on a 101-acre site located at the southwest corner of Houston Road and the I-75/Turfway Interchange, Florence, Kentucky. The site is currently zoned Office Two/Commercial Two/Planned Development (O-2/C-2/PD). Houston Lakes, a commercial and office development, is being proposed.

Mr. Costello read the Committee Report which recommended deferral of the request until the September 5, 1990 Business Meeting. The applicant has agreed to the deferral and waived the time limitations. (See Committee Report.)

Mr. Collins moved that the request be deferred until the September 5, 1990 Business Meeting based on the Staff and Committee Reports. Mr. Kirby seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: August 15, 1990

RE: Request of Mary E. Riegler (applicant) for Mary E. Riegler and the Estate of Len Riegler (owners) for a Zoning Map Amendment for property located on the south side of Longbranch Road, Boone County, Kentucky. The request is to rezone a thirty (30) acre site from Agricultural Estate (A-2) to Agriculture (A-1) to allow one mobile home.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the July 18, 1990 Public Hearing, recommend approval of this request with the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The request is in agreement with portions of the Housing Element of the 1990 Boone County Comprehensive Plan. References to this element include:
 5. In order to offer the citizens of Boone County maximum choice in living environment, residential development plans shall be judged primarily on the basis of gross density (average number of dwelling units per acre) and development design, with only secondary consideration given to type of dwelling unit.
2. The applicant has agreed, in writing, to limit the use of the mobile home to two to four years. If this condition can be easily enforced, the land use impact on the surrounding area and on the Land Use Element of the Comprehensive Plan would be minimal.

Conditions

1. The applicant must install a gate across the driveway to the subject property.
2. The applicant must install a light at this gate.
3. The mobile home most recently placed on the property must be removed within four years of this date.

4. No additional mobile homes may be brought onto the subject property.



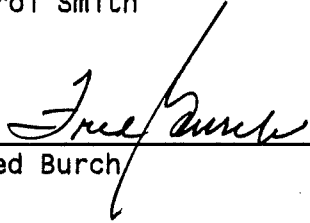
Phil Damstrom, Chairman

Rector Jones

Barry Neltner

Carol Smith

Larry Barnett



Fred Burch

Don McMillian

Summary of Findings for Contrary Recommendation

1. The applicant has failed to demonstrate, as required by KRS Chapter 100.213(1), reasons why the amendment is in agreement with the adopted comprehensive plan. The Future Land Use Map of the 1990 Boone County Comprehensive Plan indicates the future use of the subject property to be Rural Density Residential, which is partially described as including "isolated houses with no connecting agricultural uses, but does not include solitary farm residences." The Housing Element of the Plan explains that "individual mobile homes have presented a problem of inefficient and sometimes illegal land use in rural areas, and since they are increasing in number, efforts should be made to ensure that these mobile homes conform to basic health and safety consideration. The most efficient way to do this is to concentrate most of these units in properly maintained mobile home parks."
2. The applicant has failed to demonstrate, as required by KRS Chapter 100.213(1)(a), why the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate. The current zoning of Agricultural Estates (A-2), which allows one dwelling unit per 80,000 square feet of property (approximately two acres) is in line with the future land use classification of Rural Density Residential, which is described as no more than one dwelling unit per acre. The proposed zoning district of Agriculture (A-1) requires five acres for each dwelling unit.

3. The applicant has failed to demonstrate, as required by KRS Chapter 100.213(1)(b), any major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

PD:twb

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 596 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

(606) 334-2196

FAX (606) 334-2264

MR. WILLIAM R. VIOX
CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

August 15, 1990

I, Ron Riegler, on behalf of Mary Riegler, applicant and owner, agree to the below listed conditions for approval of the request for a Zoning Map Amendment:

Conditions

1. The applicant must install a gate across the driveway to the subject property.
2. The applicant must install a light at this gate.
3. The mobile home most recently placed on the property must be removed within four years of this date.
4. No additional mobile homes may be brought onto the subject property.



Ron Riegler

Boone County Recorder
09-19-90
Ordinance No. 920.213
Resolution No. R-32-90
Zoning Map Amendment
Riegler

LEGAL NOTICE
ORDINANCE NO. 920.213

The Boone County Fiscal Court at its meeting to be held Tuesday, September 25, 1990 at 9:00 A.M., third floor courtroom, Administration Building, Burlington, Kentucky, will hold a Public Hearing and give consideration to the Second Reading and adoption of the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY MARY E. RIEGLER (APPLICANT) FOR MARY E. RIEGLER AND THE ESTATE OF LEN RIEGLER (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO AGRICULTURE (A-1) FOR A 30 ACRE SITE GENERALLY LOCATED ON THE SOUTH SIDE OF LONGBRANCH ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION ON A 10 TO 3 VOTE VIA RESOLUTION R-32-90.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance, all exhibits, appendages and fiscal court minutes are on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC 33394

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY

9-19