

APPLICATION FOR ZONING ACTION

TO:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Boone County Planning Commission | <input type="checkbox"/> City of Union Board of Adjustment |
| <input type="checkbox"/> City of Florence Board of Adjustment | <input type="checkbox"/> City of Walton Board of Adjustment |
| <input type="checkbox"/> Boone County Board of Adjustment | <input type="checkbox"/> Zoning Enforcement Officer |

FOR:

- | | |
|--|---|
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Comprehensive Plan Change | <input type="checkbox"/> Planned Development Overlay Change |
| <input type="checkbox"/> Preliminary Plat Review | <input type="checkbox"/> Improvement Plat Review |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final or Deed Plat Review |
| <input type="checkbox"/> Concept Development Plan Change | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Preliminary Development Plan | <input checked="" type="checkbox"/> Historic District Overlay |
| <input type="checkbox"/> Change of Non-Conforming Use | <input type="checkbox"/> Appeal or Variance |
| <input checked="" type="checkbox"/> Design Review Board and Certificate of Appropriateness | <input type="checkbox"/> Sign or Zoning Permit |

Applicant: JACK LILLIE Owner Agent

Address: 5009 PETERSBURG ROAD

BURLINGTON, KY 41005 Telephone: ^{OFFICE} 961-6730 / ^{HOME} 586-8795

Location: 5009 PETERSBURG ROAD, BURLINGTON, KY 41005

Name of Property Owner: JACK LILLIE

Address of Property Owner: 5009 PETERSBURG RD, BURLINGTON, KY 41005

Zoning District: A 2 Area in Acres: 2

Deed Book: 369 Page Number: 77 Group Number: 2012

Description of Request: HISTORIC DISTRICT OVERLAY

Applicant's Signature: *Jack Lillie*

Property Owner's Signature: *Jack Lillie*

Application Fee: 100.00 ^{# 321573} FOR PLANNING COMMISSION USE ONLY Date Received: 3-25-88 By: *JPL*

Referred To: Kevin Meeting Date: _____

Action Taken: _____ Date of Action: _____

STAFF REPORT

REQUEST OF JACK LILLIE (OWNER)
FOR A ZONING MAP AMENDMENT FROM AGRICULTURAL ESTATE (A-2)
TO AGRICULTURAL ESTATE/HISTORIC LANDMARK OVERLAY (A-2/H)

JUNE 22, 1988

This Zoning Map Amendment request is to establish a local Historic Landmark Overlay in accordance with Article 16a of the Boone County Zoning Regulations. The owner, Jack Lillie, is requesting a zone change from Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark Overlay (A-2/H) on a two acre site located at 5009 Petersburg Road, Boone County, Kentucky. The site is located on the south side of Petersburg Road (KY 20) just west of Idlewild Road. The intended use is to continue the existing single-family residential use and to renovate the existing historically and architecturally significant octagonal barn for an insurance office use.

Description of Procedure

On May 12, 1988, the Boone County Historic Preservation Review Board recommended approval for a Historic Landmark Overlay on the two acre site located at 5009 Petersburg Road. As a condition of approval, the Boone County Historic Preservation Review Board stated that any future change in use must be approved by the Board. In accordance with Article 16a of the Boone County Zoning Regulations, the Board's recommendation was sent to the Boone County Planning Commission for zoning action. As a result, a public hearing is scheduled to hear the relationship between the proposed Historic Landmark Overlay designation, the Future Land Use Map of the Boone County Comprehensive Plan, and the other elements of the Comprehensive Plan. The recommendation from the Boone County Planning Commission for this Zoning Map Amendment will be forwarded to the appropriate legislative body. The decision by the appropriate legislative body is then forwarded to the Kentucky Heritage Commission.

History of Site and Description of Request

The site is approximately two acres and consists of a barn, farmhouse, smokehouse, garage, concrete block outbuilding, and a corn crib. The octagonal barn is the best-preserved of the two known built in the county during the 1870s. The barn is wood frame construction with board-and-batten exterior with a fieldstone foundation.

The National Register nomination describes the barn (see inventory form). The main axis of the A.E. Chambers octagonal barn extends southward from the main door on the north face. The silo, on the southeast face of the barn, seems to have been added at a later time, perhaps when the barn was adapted for dairy cattle. The barn is capped with a cupola-like, louvered air vent. The louvers of the vent have deteriorated, as have the solid shutters of other openings and the board-and-batten covering of the building. Also, portions of the fieldstone foundation have been replaced with concrete blocks. Although several walls are leaning noticeably toward the silo, the barn may be structurally sound.

The owner of the property intends to renovate the barn for use as an office for his insurance business. Since this use is not permitted in the A-2 zone, but could be permitted in the Historic Landmark Overlay zone, the owner is requesting the zone change to permit his intended use. The criteria for recommending an overlay zone has been met as outlined in Section 1613a of the Boone County Zoning Regulations. Specifically, the barn is of an architectural style valuable for the study of a period and method of construction and it retains sufficient elements showing its architectural significance.

Surrounding Land Uses and Zoning

The surrounding land uses include Low Density Residential (LDR) to the north and a combination of Low Density Residential and Agriculture (A) uses to the south, east, and west. The existing zoning surrounding the site consists of Agricultural Estate (A-2) in all four directions. Since no additional buildings are being proposed on the 2 acre site, the staff does not feel the need to examine or evaluate the existing topography or soils.

Relationship to Comprehensive Plan

In the current Boone County Comprehensive Plan, the Future Land Use Map, a 25 year projection, indicates that the site and adjoining properties be developed as Low Density Residential (LDR) or as 1-3 dwelling units per acre. In addition, the text of the Comprehensive Plan suggests the following.

On Page L-9, there is a discussion concerning future growth on Petersburg Road (KY 2) in the Idlewild area:

"The Idlewild interchange will see slow commercial growth - mostly highway related. A portion of the commercial growth will be to meet local residents needs. Idlewild itself will not likely see a growth in commercial or residential development. A connection from the interchange to KY 8 would spur slight low density residential development in that direction, as well as on KY 20 towards Petersburg. The KY 20 area from Idlewild to Bullittsville will experience the greatest low density residential growth because of connections to I-275, Burlington, and the Hebron area. Development in the Bullittsville area will spread north of I-275 to connect with the Francisville area. Small areas of low density residential will also occur along some of the other roads such as Idlewild-Burlington Road. Much of the area between Idlewild and Bullittsville is classified as prime farmland and so will be in direct competition with residential land uses. This area will develop as a large lot size area to permit both uses to exist. The area north of I-275 will continue to support some agriculture and increased low density residential development also. The southern part of this section will see the same mixture of residential, agricultural, and woodland uses. Overall, the section will see moderate growth because of its proximity to the Burlington-Hebron area and the Idlewild interchange."

Page G-3 describes the mixing of non-commercial and commercial uses and the preservation of agricultural lands.

"The mixing of commercial and non-commercial uses shall occur only in planned developments and replanned older areas where consideration can be given to minimizing harmful environmental influences.

Identify and encourage preservation of agricultural lands and a wide range of agricultural uses within appropriate districts.

Any intrusion by urban residential, commercial, or industrial uses into agricultural areas shall result only from logical expansion of the urbanizing community. The remaining agricultural land, for the duration of its economic life, should be protected from the harmful effects of incompatible land uses."

Page G-5 states the need to protect or preserve historically significant sites.

"Historically and culturally significant sites and structures of the county shall be protected and preserved, where possible."


In summary, the Future Land Use Map of the Boone County Comprehensive Plan suggests that the site and general area be developed as Low Density Residential. However, the text recommends that certain historically and architecturally significant structures be preserved and that the mixture of commercial and non-commercial uses can occur in a harmonious manner.

Staff Concerns

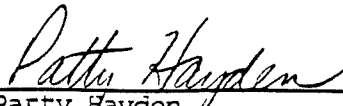
1. Scope of Proposed Use - The staff is concerned about the office/commercial use of the octagonal barn if the applicant sells the property in the future. There is less of an impact upon the community with the proposed insurance office use and this use is of a personal nature. There may be other substantial impacts on the community or adjoining properties (e.g., access to the site, utility service, and trip generation) if the barn was converted to many other office or commercial uses. The Planning Commission may want to consider using some of the Home Occupation criteria as stated in Section 1771 of the Boone County Zoning Regulations to determine the impact of future uses on the site and limiting the proposed use (see attached list of criteria).

Conclusion

The Boone County Planning Commission should evaluate this request in accordance with Articles 3 and 16a of the Boone County Zoning Regulations. If the Planning Commission and the Boone County Fiscal Court approve this Zoning Map Amendment request, the Land Use Map would not need to be amended.



Kevin P. Costello,
Assistant Director/Senior Planner



Patty Hayden,
Historic Preservation Planner

BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON SQUARE

BURLINGTON, KENTUCKY 41005

334-2196

MR. DONALD E. CLARE, JR.
CHAIRMAN

MR. HARLEY B. FISK
VICE CHAIRMAN

MR. GERALD A. NEWTON
DIRECTOR

MR. KEVIN P. COSTELLO
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ATTORNEY

MR. JAMES STURDEVANT
PLANS EXAMINER/PLANNER

MR. THOMAS W. BREIDENSTEIN
ZONING ENFORCEMENT OFFICER

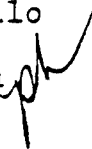
MR. DAVID GEOHEGAN
PLANNER/PLANS EXAMINER

MS. PATTY HAYDEN
HISTORIC PRESERVATION PLANNER

MRS. DEE ANN BREWER
ADMINISTRATIVE ASSISTANT

MRS. JOY HACKER
SECRETARY

Memo To: Kevin Costello

From: Patty Hayden 

Date: May 16, 1988

Subject: Jack Lillie Zone Change Request

At the May 12, 1988 meeting of the Boone County Historic Preservation Review Board, a motion was made by Mrs. Carolyn Nixon to recommend approval for a historic overlay over two acres at 5009 Petersburg Road, Burlington, KY, which includes an octagonal barn, to be used as an insurance office. Any change in use must be approved by the Historic Preservation Review Board. The motion was seconded by Mr. William Conrad and all members present voted aye.

Please place this item on the May 18, 1988 agenda as new business. Let me know if there is any other information that you need.

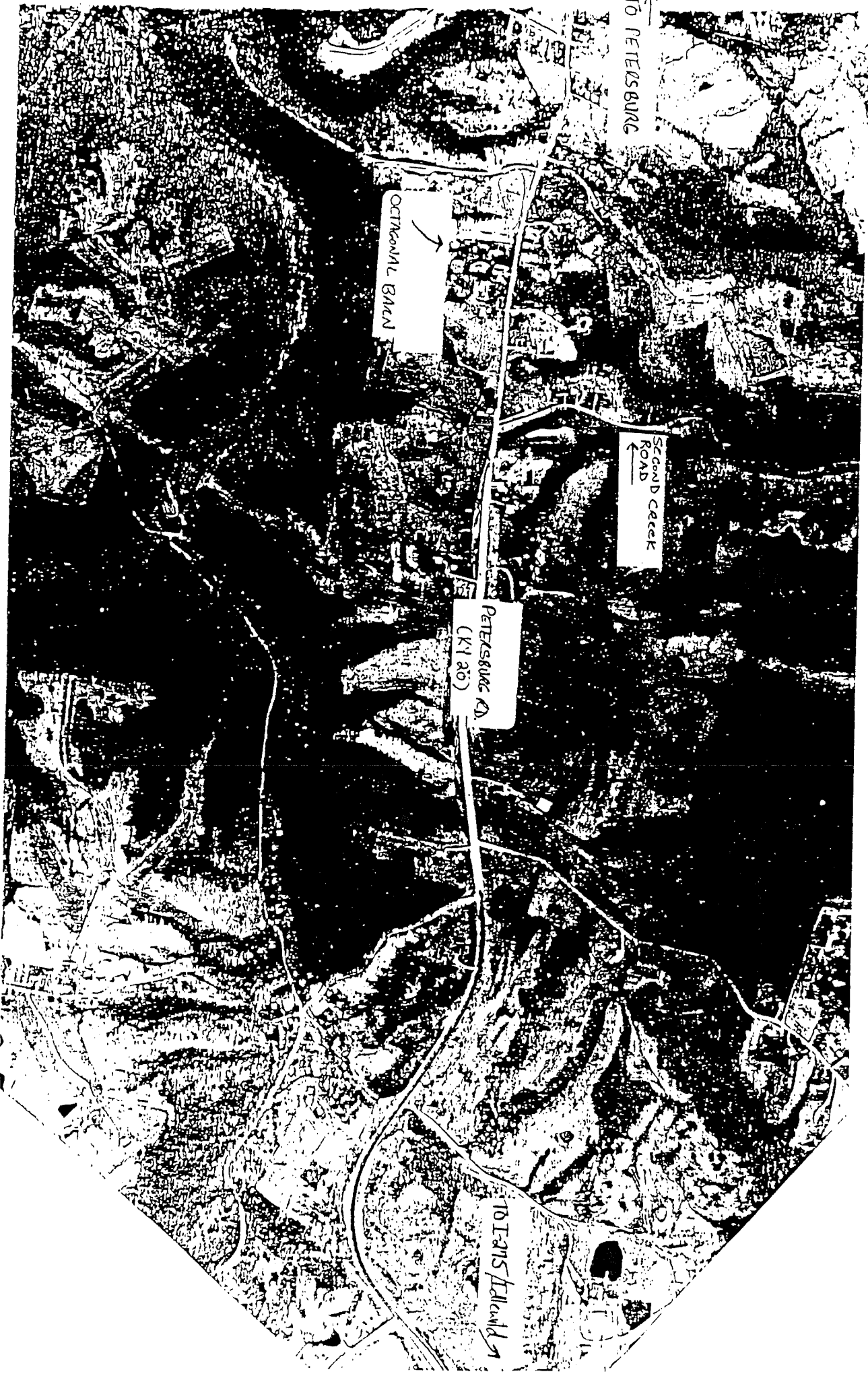
~~MEMBERS—~~

MR. JOHN F. CALDWELL

MR. WILLIAM CONRAD

MR. THOMAS E. GEIMEIER

MR. PAUL E. KROGER



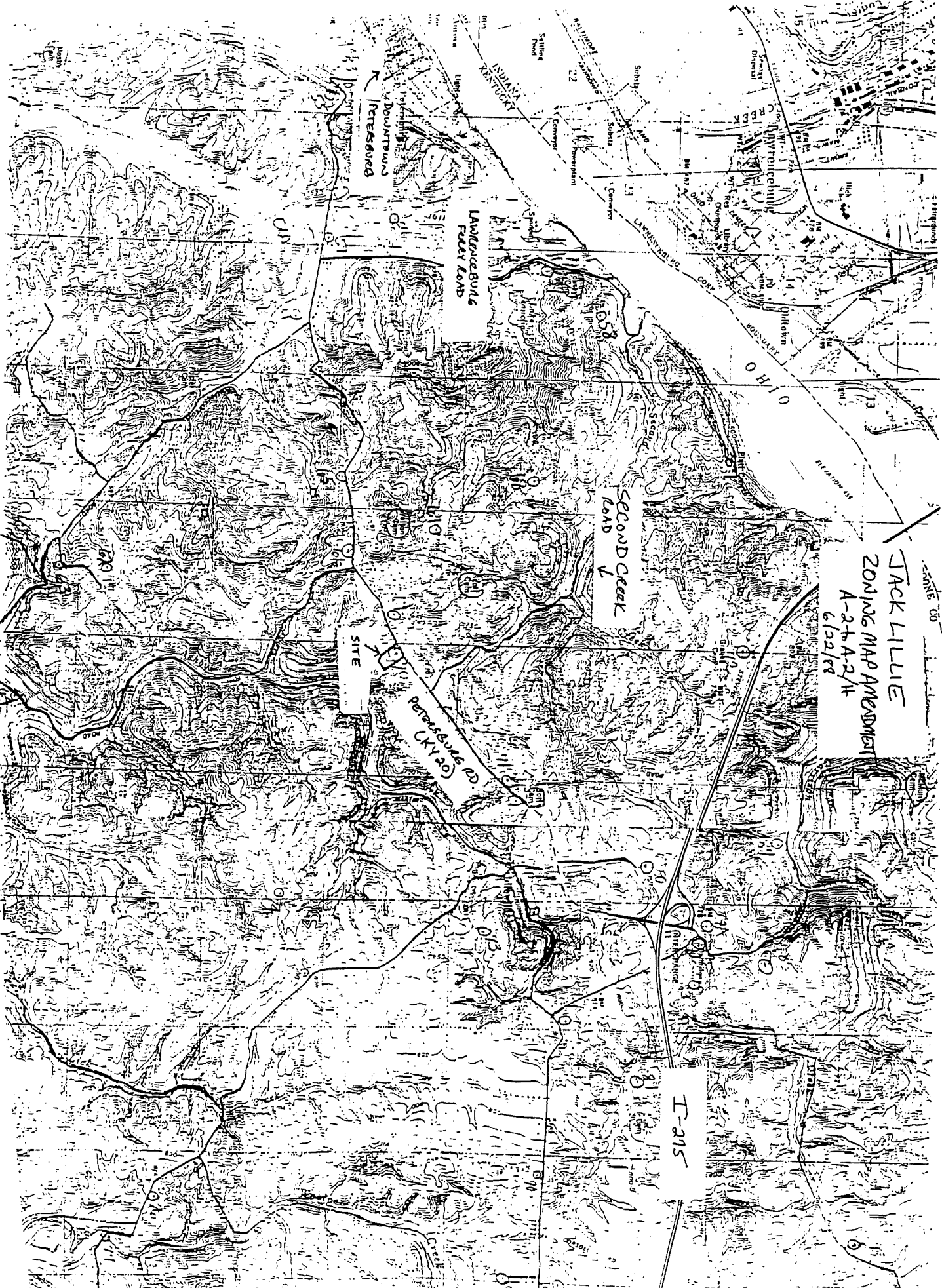
TO PETERSBURG

OCTAGONAL BARN

SECOND CREEK ROAD

PETERSBURG RD (KI 80)

TO LEANS/HOLLAND



JACK LILLIE
ZONING MAP AMENDMENT
A-254-2/H
6/22/88

I-215

SITE

SECOND CREEK ROAD

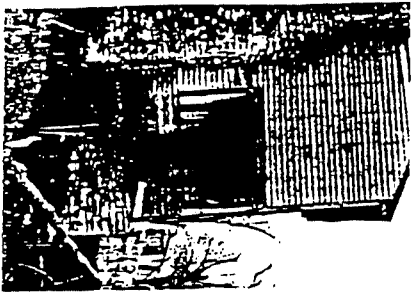
LAWRENCEVILLE FERRY ROAD

INDIAN KNIGHTS

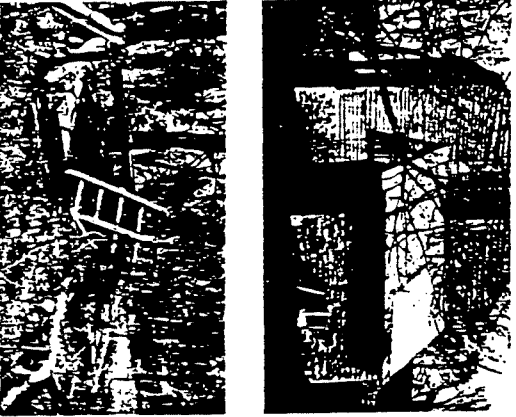
OH

STATE 60

with other mid-century houses in the Richwood Church area, the Verona vicinity and along the Old Louisville Road near Union.

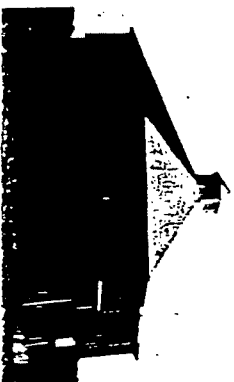


Kirtley-Setter house
Be-68f



The Kirtley-Setter house, built in the first quarter of the nineteenth century, may be the most architecturally significant frame house in the county. The walls in one corner of the first floor are recessed, creating an open corner porch. The floor above is supported by two chamfered posts resting on a parapet wall. The builder was evidently concerned with the weight of the second floor because the corner post of the porch is considerably larger than the center one and the stone wall of the basement is thickened, buttress fashion, at

the corner to receive the extra weight. The corner porch, the object of all of this structural maneuvering, was treated as an interior room: a chairrail extends around the recessed walls at the height of the parapet wall and the wall below the rail is plastered. The Wingate-Gaines house (Be-62) exhibits a similar corner porch.



octagonal barn Be-70f

This octagonal barn is one of two in the county. Like the E. L. Grant barn (Be-23), this barn has a cross-axis plan and is topped with a cupola-like air vent. Probably built during the vogue in the 1870s for octagonal forms, it was owned in 1883 by A. E. Chambers.



Botts house Be-71

Owned in 1883 by Mrs. A. Botts, this late-century frame house is one of the structures near the Ohio River influenced by the Jenkins house above Petersburg (Be-55). The projecting bay, the upper story of which is an open porch, is particularly noteworthy.

KENTUCKY HISTORIC RESOURCES
Individual Inventory Form

Resource # 8e-70
Boone County

1. Name of Resource:
A. E. Chambers octagonal barn

2. Original Owner:
A. E. Chambers

3. Other Names:

4. Prehistoric Site Building Object
Historic Site Structure Other

5. Location:
5009 Petersburg Road

6. Owner's Name:
Edward and Elaine Federmann

7. Owner's Address:
5009 Petersburg Road
Burlington, KY 41005

8. Evaluation: []

9. Recognition & Date:
Nat. Landmark Local Landmark
Nat. Register HABS/HAER
Highway Marker KY Inventory 1977
KY Landmark Certificate

10. N.R. Status & Date:

11. N.R. Group:
District Name: []
Mult. Resource Area: Boone County []
Thematic Name: []

12. Historical Theme:
Primary: Architecture []
Secondary: Agriculture []
Other: []

13. Statement of Significance:
This is the best-preserved of two known octagonal barns built in the county during the 1870s vogue for octagonal form buildings.
[]

14. History:
The owner indicated in the 1883 atlas was A. E. Chambers.

16. Date:
Original Building c. 1870s []
Addition []

17. Style:
vernacular []

18. Architect/Builder:

19. No. of Stories: N/A []

20. Original Floor Plan: []

21. Single Pile Double Pile N.A.

22. Roof Form & Material: Original
octagonal/asph shingle Not Original

23. Structural Material:
wood frame []

24. Exterior Material:
board-and-batten []

25. Foundation Material:
fieldstone []

26. Major Alterations:
Moved/Rebuilt None
Other Additions

27. Special Features:
axial, not central feeding of livestock

28. Outbuildings:
five []

29. Original Function:
livestock and hay barn []

30. Present Use:
none []

31. Condition:
fair []

32. Endangered:
the barn is leaning southeast Yes
No

33. Attach Photos:
Roll: 2 Photo Nos: 3-6 No. of Slides:
16 8

15. Source of historical information and/or contact person:

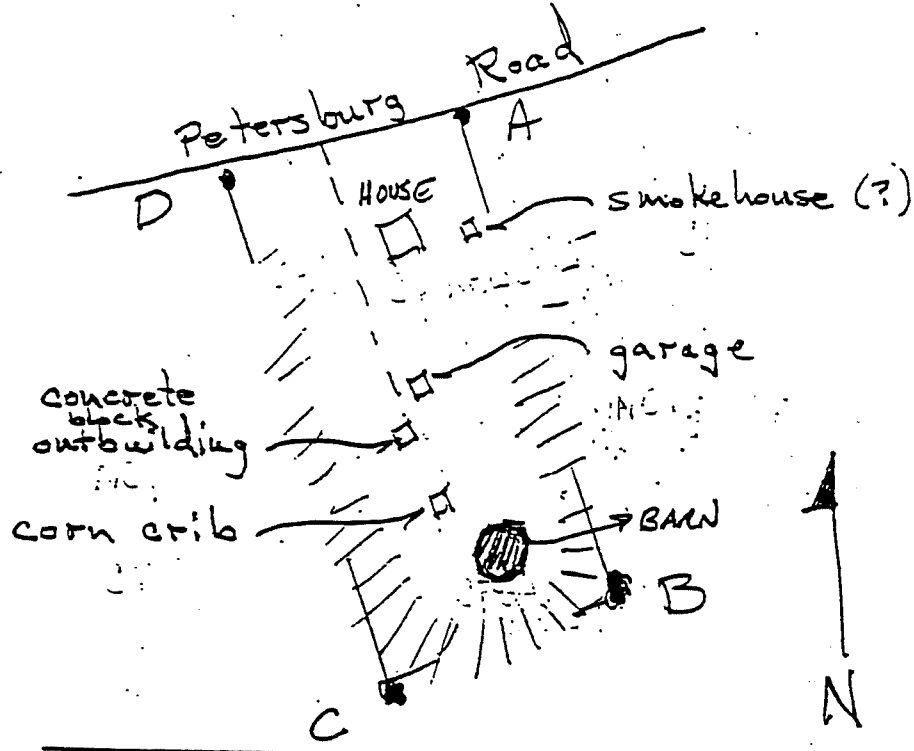
34. Prepared by: Kenneth T. Gibbs

35. Organization: Boone Co. Hist. Pres. Rev. Bd.

36. Date: September 1986

37. New Survey Resurvey

38. UTM Point of Primary Building: Quadrant: <u>Lawrenceburg</u>	Zone <u>16</u>	Easting <u>-689100</u>	Northing <u>-4326500</u>	39. G.L.S. Mod. [
41. UTM Points of Boundary (for N. R. eligible sites only):	A. -----	D. -----		
	B. -----	E. -----		
	C. -----	F. -----		
42. Total Acreage in Present Property:	43. Acreage included in proposed N.R. boundary:			2
44. Site Plan (and boundary description and justification for N.R. sites):				



The boundary, shown by points A, B, C, and D, is a rectangle approximately 300' x 600'. It includes the barn, the farmhouse, and four outbuildings, as well as sufficient acreage to provide a setting, including much of the narrow ridge on which the farmstead was built. Boundary D-A is on the south side of Petersburg Road.

Contributing: 4 buildings
 Noncontributing: 2 buildings
 (garage, concrete outbuilding)

45. Description and House Plans:

Although octagonal barns were devised to permit efficient feeding of livestock from the center of the structure, the two barns built in Boone County were planned for cross-axis feeding. The main axis of the A. E. Chambers octagonal barn extends southward from the main door on the north face. The silo, on the southeast face of the barn, seems to have been added at a later time, perhaps when the barn was adapted for dairy cattle.

The barn is capped with a cupola-like, louvered air vent. The louvers of the vent have deteriorated, as have the solid shutters of other openings and the board-and-batten covering of the building. Also, portions of the fieldstone foundation have been replaced with concrete blocks. Although several walls are leaning noticeably toward the silo, the barn may be structurally sound.

The barn is complemented by the contemporary frame farmhouse and four outbuildings between the barn and house. The two-story, T-form house has recently been vinyl-sided, although the decorative wooden porches flanking the stem of the T remain, and the windows have been replaced with aluminum versions.

The other outbuildings include a late 19th century frame corn crib, a concrete block shed, an early 20th century frame garage, and a small frame outbuilding used perhaps as a smokehouse.

Section 1771

Home Occupations

Occupations of personal services, professional office or studios which are maintained or conducted solely within a dwelling will be permitted only if they meet all of the following performance standards:

1. The use is clearly incidental to the principal residential use;
2. The use is conducted entirely within a dwelling and not in any accessory buildings;
3. Only members of the household residing on the premises may be the primary owners/operators of such operation, in addition, no more than one (1) person, other than members of the household residing on the premises, shall be engaged in such operations;
4. No commodity shall be sold on the premises in connection with such home occupation;
5. There shall be no change in the exterior appearance of the building or premises to evidence that such property is used for a non-residential use;
6. No traffic shall be generated by such home occupation in greater volumes than would be expected in the residential neighborhood;
7. No home occupation shall result in exterior evidence of such use being conducted by reason of atmospheric pollution, light flashes, glare, odors, noise, or vibration discernible from abutting properties.

Any home occupation conducted under this section shall not be a nuisance to any abutting properties or to the general neighborhood.

STAFF REPORT

PROPERTY: A. E. Chambers Octagonal Barn
APPLICANT: Jack Lillie
LOCATION: 5009 Petersburg Road
ZONING: A-2
DATE: May 12, 1988

REMARKS:

Mr. Lillie is requesting that his property at 5009 Petersburg Road be zoned A-2 (H). The site is approximately five (5) acres and consists of the barn, farmhouse, smokehouse, garage, concrete block outbuilding, and corn crib. The octagonal barn is the best-preserved of the two known built in the county during the 1870s. The barn is wood frame construction with board-and-batten exterior with a fieldstone foundation.

National Register nomination description: The main axis of the A. E. Chambers octagonal barn extends southward from the main door on the north face. The silo, on the southeast face of the barn, seems to have been added at a later time, perhaps when the barn was adapted for dairy cattle. The barn is capped with a cupola-like, louvered air vent. The louvers of the vent have deteriorated, as have the solid shutters of other openings and the board-and-batten covering of the building. Also, portions of the fieldstone foundation have been replaced with concrete blocks. Although several walls are leaning noticeably toward the silo, the barn may be structurally sound.

The owner of the property intends to renovate the barn for use as an office for his insurance business. Since this use is not permitted in the A-2 zone but could be permitted in the Historic Overlay Zone, the owner is requesting the zone change to permit his intended use. The criteria for recommending an overlay zone has been met as outlined in section 1613a. Specifically, the barn is of an architectural style valuable for the study of a period and method of construction and it retains sufficient elements showing its architectural significance.

The staff recommends approval of this request.

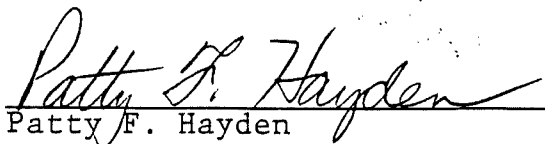

Patty F. Hayden

EXHIBIT "A"

Know All Men By These Presents:

CLERK'S OFFICE
SHORT ★ FORM
DEED

PROPERTY TRANSFER TAX PAID \$ 151.50
JERRY W. ROUSE, CLERK BC

That EDWARD G. FEDERMANN and ELAINE FEDERMANN, Husband and Wife

One Hundred Fifty-One Thousand Five
for and in consideration of Hundred and No/100 (\$151,500.00) Dollars to them paid by the
grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

PARKER J. LILLIE, JR. and MARY L. LILLIE, Husband and Wife, jointly
for and during their natural lives with the remainder in fee simple
to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of Burlington ;
Boone
County of ~~Kenton~~ and Commonwealth of Kentucky, to-wit: Group No. 2012
Present Street Address 5009 Petersburg Road, Burlington, KY 41005 Plat No. _____
Mailing Address 5009 Petersburg Road, Burlington, KY 41005

Located generally on the South side of Kentucky Highway
#20 approximately 0.4 mile North of its intersection
with Ashby Ford Road and being more particularly de-
scribed as follows:

Beginning at a common corner to Grantor and B. L. Set-
ters in the southern right-of-way line of Kentucky
Highway #20; thence S. 56 51' W. along the southern
right-of-way line of Kentucky Highway #20 a distance of
123.75 feet to the true place of beginning; thence
leaving said road S. 29 05' E. a distance of 564.70
feet to a point; thence S. 56 44' W. a distance of
148.52 feet to a point; thence N. 33 20' W. a distance
of 563.57 feet to a point in the southern right-of-way
line of said road; thence N. 56 51' E. along said south-
ern right-of-way line a distance of 190.37 feet to the
true place of beginning.

Said parcel containing 2.192 acres more or less.

Being the same property conveyed unto the Grantors here-
in by Deed dated August 2, 1978 and recorded in Deed
Book 248 at Page 330 of the Boone County Clerk's rec-
ords at Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

PARKER J. LILLIE, JR. and MARY L. LILLIE, Husband and Wife, jointly
for and during their natural lives with the remainder in fee simple
to the survivor of them, his or her

heirs and assigns, forever, the Grantors, their
COVENANTING with the grantee s, their
CLEAR, FREE AND UNINCUMBERED, and that
same against all legal claims whatsoever.

heirs, executors and administrators, HEREBY
heirs and assigns, that the TITLE so conveyed is
they will WARRANT AND DEFEND the

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3
June 22, 1988

Page 1

Mr. Barnett opened the Public Hearing for the third item on the Agenda:

3. Applicant: Jack Lillie
Request: Zoning Map Amendment

This was a Public Hearing on the request of Jack Lillie (owner) for a Zoning Map Amendment on a two-acre site located at 5009 Petersburg Road (KY 20), Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark Overlay (A-2/H). The intended use involves the renovation of an octagonal barn for an office.

Historic Preservation Planner, Patty Hayden, presented the Staff Report which included a slide of the site (see Staff Report). Mrs. Hayden advised that the applicant, Mr. Jack Lillie, was not present this evening.

Mr. Barnett asked if there was anyone present who wished to speak in regard to this request.

Mr. Larry Lottes questioned whether or not Mr. Lillie would use the site for real estate sales, in addition to his insurance business. He asked how many people would be working out of the office and what the signage would be. He stated that there is a hump in the road (KY 20) southwest of the site which would be hazardous to those not familiar with the area.

Mrs. Hayden advised that the Historic Preservation Review Board recommended that the site be used only for an insurance office. It is her understanding that Mr. Lillie, possibly his wife, and a secretary would be working out of the office. No other persons were mentioned at the Review Board Meeting. Signage was discussed and there would be no sign. She stated that Mr. Lillie had indicated that this office would be used to maintain his files and records. He would be making calls from the office, but doing business off site. Mr. Lillie had indicated that a secretary would be employed and only the secretary would be coming to the site.

Mr. Lotis stated that he would question that only the secretary would come to the site.

Mrs. Hayden clarified that she could only repeat the comments made at the Review Board Meeting, and this is how Mr. Lillie had described the business.

Following discussion of the procedure in regard to this request, Mrs. Hayden stated that the Design Review Board had recommended approval of the request subject to one condition. She stated that Mr. Lillie met the Home Occupation criteria, except that he wanted to have his home occupation in his barn, not his house.


Mr. Barnett indicated his concern that the applicant want not present and able to answer questions.

Mr. Ben Grant stated that it is his understanding that Mr. Lillie currently has a business in Hebron and intends to move that business to this site and there will be customers coming in and out. He stated that the area is agricultural and residential and should stay that way.

Following discussion of the site, Mr. Skees stated that the Public Hearing is where facts are gathered and Mrs. Hayden has relayed all the information she has. It is the applicant's obligation to be present and answer questions. He stated that if the Commission is not satisfied that the facts have been gathered, then the Public Hearing can be reset.

Mr. Moore moved that the Public Hearing on this request be continued until Wednesday, June 29, 1988. Mr. McMillian seconded the motion and it carried unanimously.

APPROVED:


Larry Barnett, Vice Chairman

ATTEST:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

June 29, 1988

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M.. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Jack Lillie
Request: Zoning Map Amendment

This was a Public Hearing on the request of Jack Lillie (owner) for a Zoning Map Amendment on a two-acre site located at 5009 Petersburg Road (KY 20), Boone County, Kentucky. The request is to rezone the site from the Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark Overlay (A-2/H). The intended use involves the renovation of an octagonal barn for an office.

This Public Hearing is a continuance of the June 22, 1988 Public Hearing.

Chairman Viox advised that a letter was received from Mr. Larry D. Lotis in regard to this request.

Mr. Kevin Costello, Assistant Director, summarized the Staff Report noting that this request had been tabled at the last meeting and that concerns were raised by the public at that time. Mr. Costello noted that the applicant was not present at the last meeting to address the questions and concerns.

Chairman Viox asked Mr. Lillie for his comments at this time.

Mr. Jack Lillie stated that his main purpose is to preserve the historical site and the only way he can afford to do so is by getting tax help. The only way to get tax help is to use the site as an office. He stated that his main offices are in Cincinnati and in Kentucky and they will stay where they are. He will use this office for doing paperwork in the evenings and on the weekends. There will be no traffic to the site.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There being no one, he asked if there was anyone present in opposition or if there were any questions.

Mr. Ben Grant stated that he lives nearby and owns land in the area. He is concerned about the road, which is dangerous, if people are coming in and out of the site. He asked if there would be clerical staff on the site.

Mr. Lillie indicated that there would not be clerical help on the site. He stated that this will strictly be a home office and that his other offices would conduct his business operations.

Mr. Steve Glassford, who lives near the site, asked what could be done on the site if it were sold.

Mr. Costello advised that if the Commission approves the request with a condition that the use be limited, and a future use were similar to this use, it would most likely be allowed. The Commission could impose a condition that any future use not similar to this use would have to be examined by the Committee. He noted that the Boone County Historic Preservation Review Board has stated that their approval would be limited to this use and any future use would require a Public Hearing before that Board.

At this time, Mr. Viox read the letter from Mr. Larry D. Lotis regarding his concerns. Mr. Lotis' letter is on file in the Staff Office.


Mr. McMillian questioned the signage at the site. Mr. Costello advised that a free-standing sign is not permitted.

Mr. Neltner asked for a description of the renovation of the barn and questioned what the finished barn would look like.

Mr. Lillie stated that the barn will look almost as it does now. There will be windows in the back for light. He stated that there will be no parking lots and no signs. The building will be for his personal use.

There being no further comments or questions, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on July 6, 1988 at 8:00 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

July 6, 1988

8:00 P.M.

Mr. Larry Barnett, Vice Chairman, called the meeting to order at 8:20 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Barnett noted that each member had received a copy of the Minutes of the Business Meeting of June 15, 1988 and the Public Hearings of June 22, 1988 and June 29, 1988 and asked if there were any comments or corrections.

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

Mr. Kevin Costello read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Dave Schneider, attorney for the applicant, stated that the conditions are acceptable to the applicant.

Mr. Barnett asked if there were any comments or questions regarding this request.

There being no discussion, Mr. McMillian moved by resolution to the Boone County Fiscal Court that the request be approved based on the findings of fact, but subject to the conditions indicated in the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of Jack Lillie (owner) for a Zoning Map Amendment on a 2-acre site located at 5009 Petersburg Road (KY 20), Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark Overlay (A-2/H). The intended use involves the renovation of an octagonal barn for an office.

Mr. Kevin Costello read the Committee Report which recommended approval of the request based on the findings of fact, but subject to five conditions (see Committee Report).

Mr. Jack Lillie stated that he is in agreement with the conditions.

Mr. Barnett asked if there were any comments or questions regarding this request.

There being no discussion, Mr. Moore moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report, including the conditions. Mr. Greene seconded the motion and it carried unanimously.

4. Annexation Request

The request of the City of Florence to annex a 4.96-acre site located north of KY 18 and west of Houston Road, Boone County, Kentucky. The site is currently owned by Florence Commercial and is zoned Commercial Two (C-2). A Public Hearing is being requested to determine the impact of annexation upon the current zoning.

Mr. Kevin Costello read the Committee Report which recommended that the zoning of the site be changed upon annexation into the city (see Committee Report).

EXHIBIT "C"

COMMITTEE REPORT

TO: BOONE COUNTY PLANNING COMMISSION

FROM: Rector Jones, Chairman

DATE: July 6, 1988

RE: Request of Jack Lillie(owner) for a Zoning Map Amendment on a 2 acre site located at 5009 Petersburg Road (KY 20), Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark Overlay (A-2/H). The intended use involves the renovation of an octagonal barn for an office.

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and subject to the conditions below.

FINDINGS OF FACT:

1. The proposed zoning classification, Agricultural Estate/Historic Landmark Overlay (A-2/H), is in agreement with the Boone County Comprehensive Plan. In general, the existing residence and agricultural outbuildings or uses are consistent with the Future Land Use map, which indicates Low Density Residential (LDR). The proposed historical renovation of the barn as a private and personal office use is appropriate in the area because of its intended limited scope or use.
2. The proposed request is in agreement with the text of the Boone County Comprehensive Plan. The text recommends that certain historically and architecturally significant structures be preserved and that the mixture of commercial and non-commercial uses can occur in a harmonious manner. References to the Comprehensive Plan are made in the Staff report.

CONDITIONS:

The applicant is being asked to agree to include these items as part of this request in order to clarify the statements made at the June 22, 1988 and June 29, 1988 Public Hearings. Further, these conditions are intended to clarify the suitable uses and development for the presented request.


1. The applicant and any other future property owner shall be limited to the office use in the octagonal barn. The office use shall only be allowed for the property owner's personal use. Any change in use or expansion of use shall be reviewed by the Technical Committee to determine

whether it is appropriate with the underlying zoning district and compatible with the surrounding land uses. The use shall be limited to only members of the household residing on the premises.

2. No signs advertising any business shall be allowed on the site or existing buildings.
3. No additional parking areas or paved areas related to the office use shall be allowed.
4. No traffic shall be generated by such an office use in greater volumes than would be expected in a residential or agricultural area.
5. Renovation plans or drawings for the octagonal barn shall be submitted to the Boone County Historic Preservation Review Board for review and approval. The applicant shall be required to notify the Boone County Planning Commission when these plans are submitted for comment purposes.

CONCLUSION:


The Committee feels that the request is important since the applicant is attempting to preserve the historically and architecturally significant building, and at the same time, obtain some compatible use in the area.


Rector Jones, Chairman


Donald McMillian


Larry Barnett


Carol Smith


Fred Burch

ORDINANCE 920.159

R-36-88

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO AGRICULTURAL ESTATE/HISTORIC LANDMARK OVERLAY (A-2/H) FOR A 2 ACRE SITE LOCATED AT 5009 PETERSBURG ROAD (KY 20), BOONE COUNTY, KENTUCKY, AS REQUESTED BY JACK LILLIE (OWNER) AND BEING RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION R-36-88.

WHEREAS, the Boone County Planning Commission received a request for approval for a zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark Overlay (A-2/H) for a 2 acre site located at 5009 Petersburg Road, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone county Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval with conditions for the zoning map amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark Overlay (A-2/H) for a 2 acre site located at 5009 Petersburg Road, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval with conditions is more particularly described in attached "Exhibit A."

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in the Ordinance (ATTACHED - Exhibits "B" and "C".)

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the second day of August, 19 88.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the ninth day of September, 19 88, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the the County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson
BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

R. Scott Kimmich
R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:

Larry Crigler
LARRY CRIGLER
BOONE COUNTY ATTORNEY

September 28, 1988
DATE PUBLISHED