

REQUEST OF CASSIUS AND ALBERTA SULLIVAN
FOR A ZONING TEXT AMENDMENT FROM
AGRICULTURAL ESTATES (A-2) TO AGRICULTURE (A-1)

November 18, 1987

This is a request of Cassius and Alberta Sullivan for a Zoning Map Amendment from the existing zoning classification of Agricultural Estates (A-2) to Agriculture (A-1) to allow the placement of a mobile home. The 32.458 acre site, located on the east side of Idlewild Road (at 4688 Idlewild Road) approximately 2.5 miles north of Burlington, and immediately south of Woolper Creek. The property is owned by Cassius and Alberta Sullivan.

Surrounding Land Uses and Zoning

north: A-1; some farm land, predominantly woodland
south: A-2; directly across Idlewild from the Sullivan house are two single family residences, behind which is woodland
east: A-2; single family residences, including a number of mobile homes
west: A-1; farmland, woodland, and single family residences

Site Features

The subject property slopes up gently from the road and sharply from the creek bed. The center of the site, where the Sullivans intend to place their mobile home, is relatively flat. This area, which is used as cropland, has an elevation of approximately 820 feet whereas the creek bed has an elevation of approximately 700 feet. Soils along the road and creek are of the Cythiana Series, which is not suited for farmland, pasture, or development because of its slope but is better used as woodland. The central portion of the site is of the Nicholson Series and is capable of supporting hay and pasture. The area between the central portion and the slopes of the creek is composed of Faywood Series soils which are suited for pasture and hay.

Currently, there is one two-story frame house on the property, a barn and an assortment of smaller out-buildings associated with the farm. The central portion of the site is used as a hay field, the more gentle slopes have been pasture, and the steep slopes to the creek bed are wooded.

Relationship to Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future uses of this property to be Low Density Residential (up to three dwelling units per acre) along Idlewild Road, Rural Lands (agriculture, woodland, recreation, and one

dwelling unit per two acres) in the center of the site, and Developmentally Sensitive (slope greater than 20%) along Woolper Creek.

The Land Use Element of the plan makes the following general statement of the area in which the Sullivan's property is located:

This section contains no real growth forces of its own but will nevertheless receive a population growth as the Burlington area becomes less of a rural community and more of a suburban area. The suburban growth around Burlington will push development in all directions. Therefore, KY 18 and Idlewild Road will become collector roads for new subdivisions. These subdivisions should be within a few miles of Burlington. Residential development along the roads should be set back off of the road to allow for future road straightening which will open the area for continued residential growth. A possible connector road could be developed between Idlewild Road and Burlington-Bullittsville Road. Such a road would provide an alternative route of travel away from the center of Burlington. The balance of land in this section will remain largely undeveloped and in agricultural uses. (p. L-10)

Two objectives of the Housing element of the Plan read:

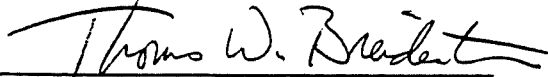
1. A broad range of housing opportunities (eg. size, type) shall be provided at locations which meet the needs and desires of household types (p. G-2)
2. In order to offer the citizens of Boone County maximum choice in living environment, residential development plans shall be judged primarily on the basis of density (dwelling units per acre) with only secondary consideration given to type of structure. (p.G-3)

However, the Housing Element of the Plan explains the need to control isolated mobile homes:

The only high-density residential uses that should occur outside of urbanizing areas are either mobile home parks which help lessen the proliferation of isolated trailers or planned developments with adequate infrastructure. Separate mobile homes have presented a problem of inefficient and sometimes illegal land uses in the rural areas, and since they are increasing rapidly in number, efforts should be made to ensure that these mobile homes conform to basic health and safety considerations. The most efficient way to do this is to concentrate most of the mobile homes in parks. This applies mainly to the rural western and southern portions of the county. (p. H-18)

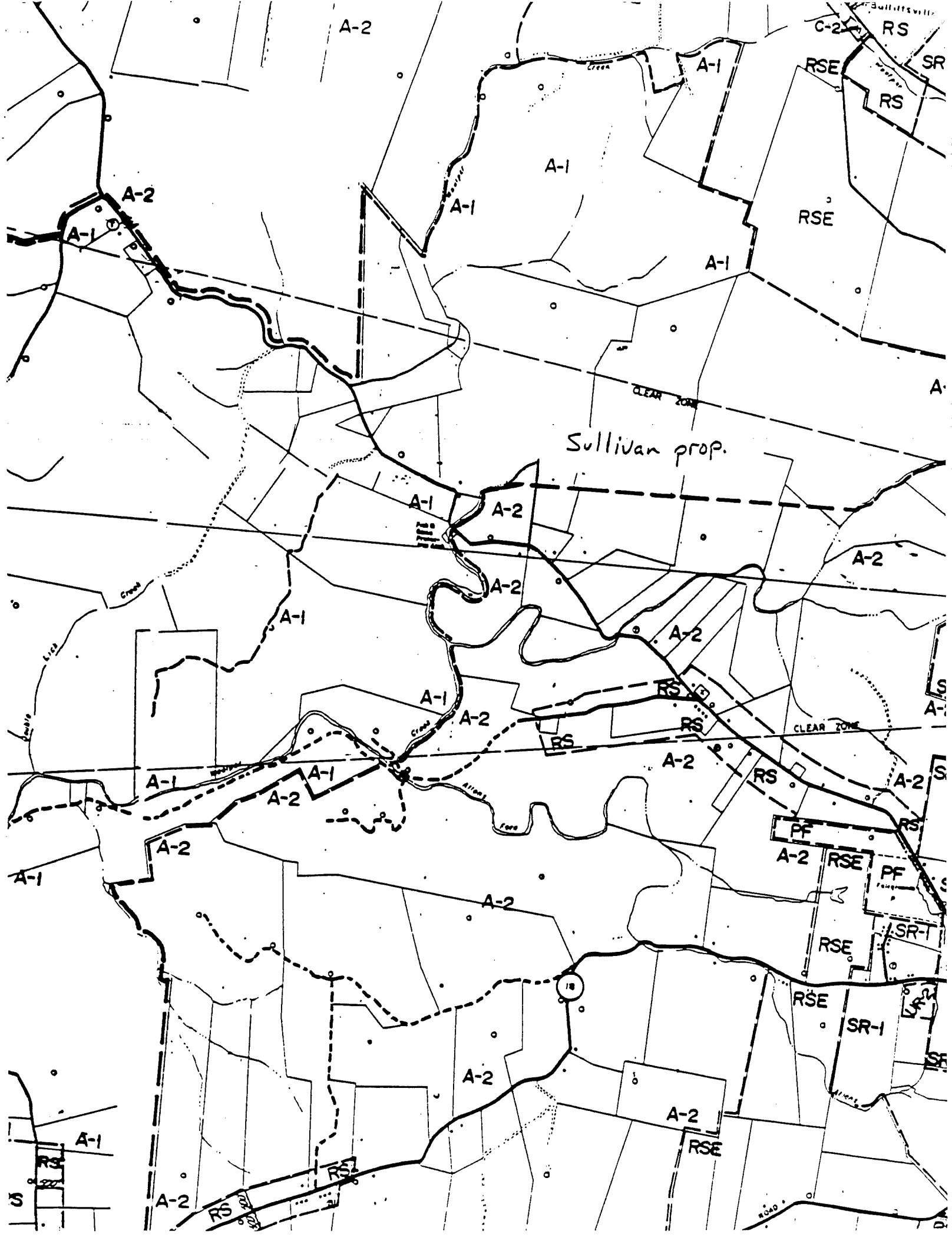
Conclusion

Should the Planning Commission recommend, and the Fiscal Court ultimately approve, this request for a Zoning Map Amendment, the Boone County Comprehensive Plan will not need to be amended.



Thomas W. Breidenstein
Zoning Enforcement Officer

J.A. Munton 11-18-87



← Idlewild Country Estates

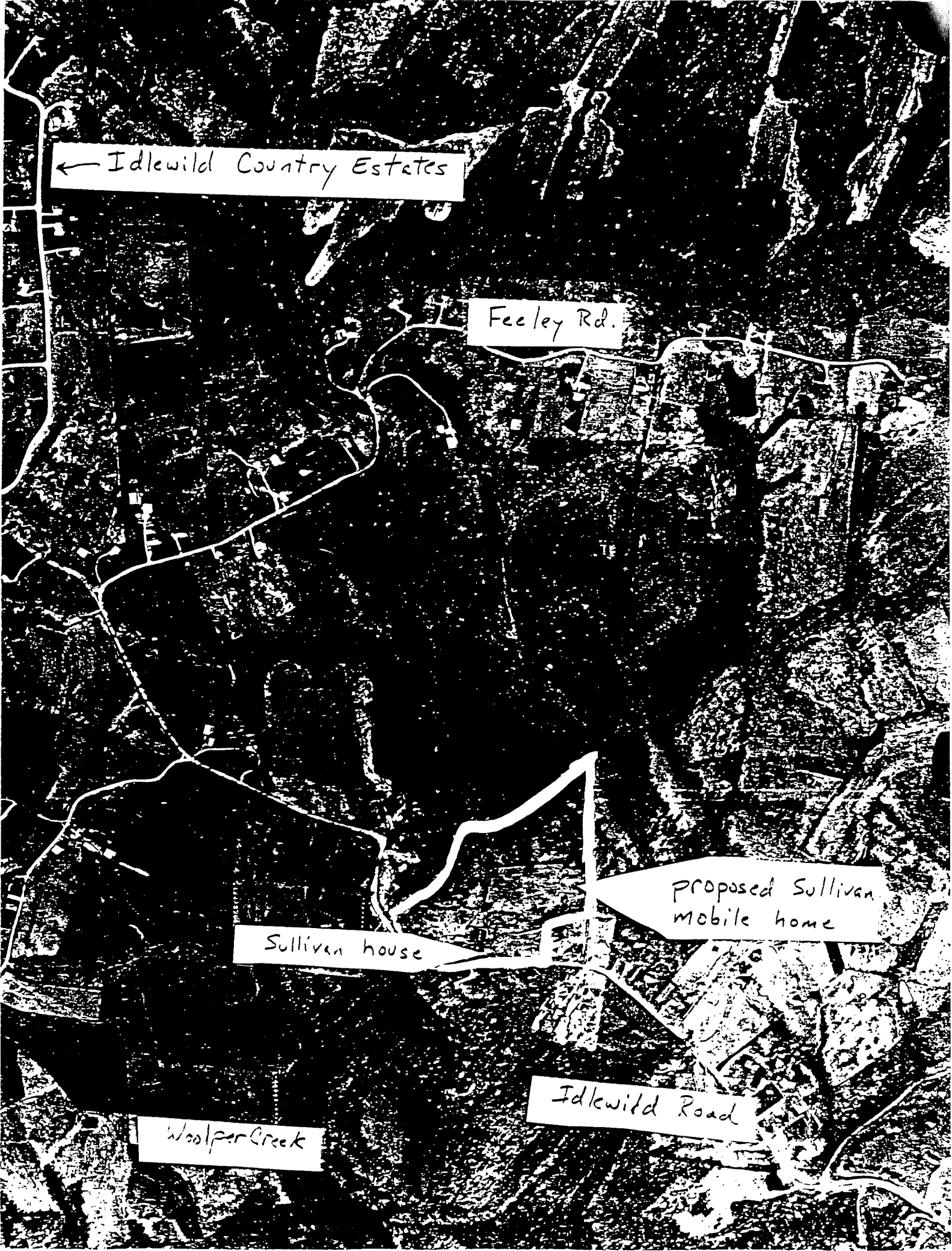
Feeley Rd.

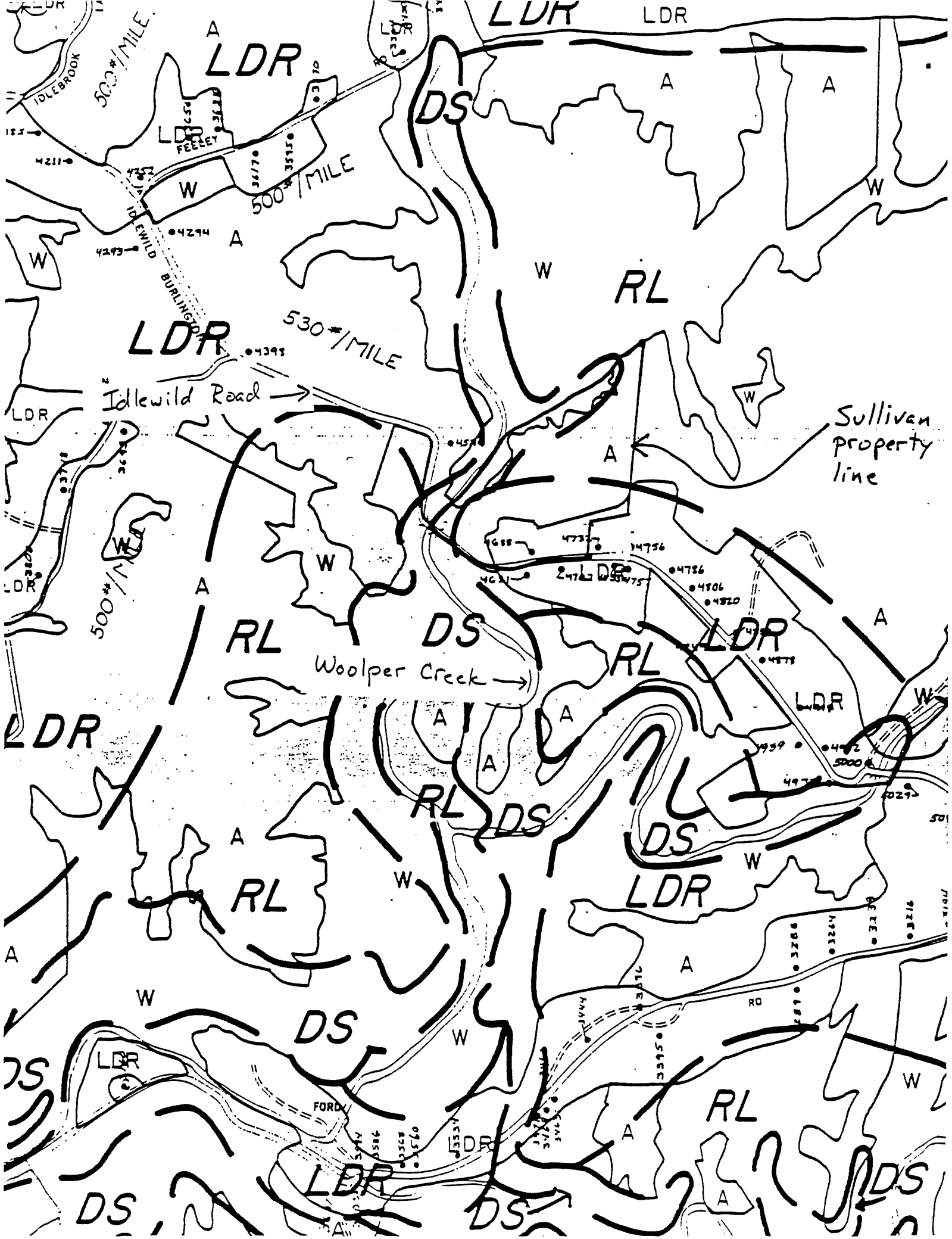
Sullivan house

proposed Sullivan mobile home

Idlewild Road

Woolper Creek







Sullivan property →

Woolper Creek →

APPLICATION FOR ZONING ACTION

RECEIVED

OCT 20 1987

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Cassius + Alberta Sullivan Owner
 Address: 4688 Idlewild Rd, Burlington, Ky. Agent
 Telephone: 586-6753

Location: 2.5 North of Burlington on State Hwy. 338

Name of Property Owner: Cassius + Alberta Sullivan

Address of Property Owner: 4688 Idlewild Rd, Burlington, Ky.

Zoning District: A-2 Area in Acres: 32.48

Deed Book: 164 Page Number: 492 Group Number: 2018

Description of Request: Owner requests change from A-2 to A-1 to enable them to place a double-wide home on the rear of their property

Applicant's Signature: C. L. Sullivan Alberta R. Sullivan

Property Owner's Signature: C. L. Sullivan Alberta R. Sullivan

FOR PLANNING COMMISSION USE ONLY

Application Fee: \$522.92 Date Received: 10-20-87 By: MB

Referred To: Tom Breidenstein Meeting Date: Public Hearing 11/11/87

Action Taken: _____ Date of Action: _____

EXHIBIT "A"

PARCEL I. That tract of land in Boone County, Kentucky, on the Petersburg and Burlington turnpike road adjoining the lands of Haywood Wilks, J. E. Duncan and others and bounded thus: Beginning at a point in the center of covered bridge across main Woolper Creek, a corner with Newt Sullivan, thence up the creek N 45 E 42 poles thence N 16 poles to J. E. Duncan's corner at the mouth of Hughes Branch; thence up the branch N 7-3/4 E 14-1/2 poles to a hornbeam and white walnut trees, lower corner of Lot No. 5 in the Mills Wilks land division then south 61-1/4 poles to a stone another corner of Lot No. 5 on the Pike then along with the center of Pike S. 76 W 20 poles N 57 W 29 poles to the beginning containing 9-3/4 acres, be the same more or less. Also another tract: Beginning at a point in the center of the Petersburg and Burlington Pike running East of a Walnut tree 40 steps more or less; thence North to a Locust tree about 120 steps; thence South to the place of beginning, containing 1/2 acre more or less.

PARCEL II. Beginning at a stone a tract of land conveyed by James E. Duncan to Fannie Riley said stone is in a line of T. P. Grisler, thence with said line N 71 E 29.40 chains to a stone on a branch a corner with J. J. Duncan, thence with a line of said Duncan down a branch S 50 W 12 chains S 73-3/4 W 14 chains, S 58-3/4 W 5.24 chains S 76-3/4 W 4.78 chains to a stone on said branch corner with Riley tract thence with her line north 1 E 13.33 chains to a gate post, thence N 4-3/4 W 8.01 chains to a stone N 44-1/4 E 4.75 chains to a stone thence S 87-1/4 E 5.61 chains to a stone thence N 4 E 10.60 chains to the beginning containing 97-1/2 acres being the same land conveyed to Cassius "Cad" Sullivan by deed dated May 9, 1933, and recorded in Deed Book 71, page 325, Boone County Court Clerk's Office, Burlington, Kentucky. Also a tract of land on Petersburg and Burlington Pike beginning at a stone corner of Cassius Sullivan thence N 3 E 61-1/4 poles to Hughes Branch, corner of Fannie Riley, thence up the branch N 73 E 25-1/2 poles thence N 31 E 26 poles, thence N 65 E 4-1/4 poles, to a corner of Lou Easton, just above a water gap thence with her line S 3 W 109-1/4 poles to a corner of said Easton in the center of said pike thence down the pike W 35.12 poles thence S 78 W 9 poles to the place of beginning containing 23 acres, be the same more or less.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

November 18, 1987

PUBLIC HEARINGS

Mr. Fred Burch called the meeting to order at 7:08 P.M. and introduced the first item on the agenda:

1. Applicant: Cassius and Alberta Sullivan (owners)
Request: Zoning Map Amendment

This was a Public Hearing on a request of Cassius and Alberta Sullivan (owners) for a Zoning Map Amendment on a 32.48-acre site located 2.5 miles north of Burlington on KY 338, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Agriculture (A-1) in order to allow a double-wide mobile home.

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

Mr. Burch asked if there was anyone present who wished to speak in behalf of the request.

Arlene Jones, a real estate agent with Clore & Burcham, stated that the property is listed for sale. The health of the owners does not allow them to remain in the two-story house. They want to remain on the land and are requesting the zone change to allow for a mobile home.

Mr. Steve White, an adjoining property owner, stated that he has owned his property for 18 years. He lives to the north of the Sullivans. He stated that he does not oppose the zone change and has no objection to a double-wide mobile home on the property. Mr. White stated that he intends to apply for the rezoning of his property and his mother's property back to the A-2 Zone which was the zoning of the property when he bought it. He is concerned that the rezoning of the Sullivan's property will hurt his chances for rezoning his property to A-2.

Mr. Burch asked if there were any comments or questions. He asked if there was anyone present in opposition to the request. There being no one, he asked if there were any questions from the Commission.

Mr. DeLong asked how much acreage the Sullivan's were planning to keep and whether or not they planned to sell the balance of the property for mobile home use.

Arlene Jones stated that all the property is for sale, but not in less than five-acre tracts. They are requesting the rezoning of the entire site because they have not had the property surveyed. She stated that the Sullivan's do not plan to sell the property for mobile home use.

Mr. Sharp asked what would prevent the Sullivans from selling the lots for mobile home use if they are zoned A-1.

Mr. Breidenstein stated that the Commission could agree to rezone only a portion of the property or a conditional approval allowing only one or two mobile homes on the site as a means of limiting the number of mobile homes on the property.

Counselor Wilson advised that the minimum lot size in the A-1 Zone is five acres and that any other mobile homes would have to be on at least five acres.

Mr. White asked if a text amendment could be made which would make mobile homes a Conditional Use in the A-2 Zone. He stated that people in Boone County tend to move their parents into mobile homes and that having to request rezoning represents a hardship.

Staff Member, Kevin Costello, discussed the history of allowing mobile homes in certain zones noting that the regulations and the zoning map were updated in 1986. He stated that the Committee recognized the need to allow mobile homes and determined where they should be allowed. He advised Mr. White that his request could be addressed in the next update or by the legislative body. He stated that Mr. White could also file an application.

Mr. Burch advised Mr. White that his comments were noted but cannot be accepted as a formal request at this hearing. Mr. White will have to follow-up and pursue his request.

Mr. Burch asked if there were any further comments or questions. Hearing none, he advised that this request will be on the agenda for the Business Meeting on December 2, 1987 at 8 P.M. and closed this Public Hearing.

APPROVED:


Fred Burch

ATTEST:

Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

December 2, 1987 8:00 P.M.

Mr. Paul Kroger, Chairman, called the meeting to order at 8:35 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch
Mr. Lawrence Collins
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Paul Kroger, Chairman
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Kroger noted that each member had received a copy of the Minutes of the Business Meeting and Public Hearings of November 18, 1987 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Viox moved that the Minutes of the Business Meeting and Public Hearings of November 18, 1987 be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

The Chairman stated that a letter had been received from Mr. Tom Nienaber, attorney, and read the portion of the letter requesting withdrawal of this application.

Mr. Andre Busald, attorney, stated that the request is being withdrawn due to the opposition expressed by the adjoining property owners. He stated that other concepts for the site are under discussion.

Chairman Kroger stated that the letter is accepted and will be on file. He noted that no action is required by the Commission.

Chairman Kroger asked if there were any comments or questions.

Mr. Barnett stated that he had read about the withdrawal of this request in the newspaper prior to this meeting. Chairman Kroger advised that this is an item of interest to the community and a matter of public record. He noted that the press could have obtained this information from many sources.

Mr. Bill Warden stated that the applicant had been given one month to reapply at the last meeting. He noted that the applicant could continue to make applications month after month and asked if there was anything the Commission could do to stop this process.

Counselor Wilson advised that the request at the last meeting was for an indefinite deferral, not a withdrawal. He noted that the applicant is now withdrawing the request and can come back before the Commission with a new request. Chairman Kroger agreed and stated that the same procedures would be followed as were followed previously.

2. Zoning Map Amendment

A request of Cassius and Alberta Sullivan (owner) for a Zoning Map Amendment on a 32.48-acre site located 2.5 miles north of Burlington on KY 338, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Agriculture (A-1) in order to allow a double-wide mobile home.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition (see Committee Report).

Chairman Kroger advised that if the Commission approves the request, the condition must be met before the zone change is granted. He asked Mr. and Mrs. Sullivan if they understood the condition.

The Sullivans indicated that they understood the condition.

There being no further discussion, Mr. Barnett moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports, subject to the condition noted. Mr. Collins seconded the motion and it carried unanimously.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Melvin Delong, Chairman

DATE: December 2, 1987

RE: Request of Cassius and Alberta Sullivan (owner) for a Zoning Map Amendment on a 32.48 acre site located 2.5 miles north of Burlington on KY 338, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Agriculture (A-1) in order to allow a double-wide mobile home.

REMARKS:


We, the Committee, recommend approval of the Zoning Map Amendment based upon the following findings of fact and subject to the following condition:

Finding of Fact

1. The proposed rezoning is in compliance with the 1986 Boone County Comprehensive Plan Future Land Use Map which indicates the future uses of this property to be Low Density Residential, Rural Lands, and Developmentally Sensitive.

Condition


It is the intent of the applicants to rezone their property to Agriculture One to allow a double-wide mobile home on an 8 to 10 acre portion of their 32.48 acre farm. However, the entire property has been advertised for the zone change. The Committee would recommend as a condition of approval that only the property on which the applicants intend to place their mobile home be rezoned. This portion of the farm must be a minimum of five acres and must be contiguous to an existing A-1 zoning district. The exact boundaries of this rezoning will be determined after the submission of a deed plat from a registered surveyor.




 Melvin Delong, Chairman



 Rector Jones



 Fred Burch



 William Viox



 Larry Barnett

ORDINANCE 920.138

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY , KENTUCKY, ZONING MAP, FOR UP TO A 10 (TEN) ACRE SITE, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO AGRICULTURE (A-1) LOCATED ON A SITE GENERALLY LOCATED 2.5 MILES NORTH OF BURLINGTON ON KY 338, BOONE COUNTY, KENTUCKY AS REQUESTED BY CASSIUS AND ALBERTA SULLIVAN (OWNERS) THE INTENDED USE IS TO PLACE A MOBILE HOME ON THE SULLIVANS PROPERTY, AND IS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-62-87.

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 Agriculture (A-1) for up to a 10 (ten) acre site generally located 2.5 miles north of Burlington on KY 338, Boone County, Kentucky, which is more particularly described below; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION 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, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Agriculture (A-1) for up to a 10 (ten) acre site generally located 2.5 miles north of Burlington, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval 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 this 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 twenty-second day of December, 1987.

Adopted by the Fiscal Court of Boone County after Second Reading at a Regular Meeting on the fifth day of January 1988, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone 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 Crisler
LARRY CRISLER
BOONE COUNTY ATTORNEY

Jan. 14, 1988
DATE PUBLISHED