

# APPLICATION TO PLANNING COMMISSION

## Map Amendment

Bourbon County Joint Planning Commission  
525 High Street, Paris, KY 40361 • (859) 987-2150



### Office Use only:

Application No. ZMA 21-01 Fee Amount: \$ 400 Date Fee Received: 3/1/21

1. APPLICANT Brian Halen

MAILING ADDRESS 217 Paynes Landing Blvd, Georgetown, KY 40324

PHONE NO. 859-298-9922 (HOME) <sup>email</sup> brianhalen47@aol.com (WORK)

2. TYPE OF REQUEST: Map Amendment

3. PLEASE CIRCLE: Paris Bourbon County/ North Middletown/ Millersburg

4. LOCATION OF REQUEST: 1216 Pleasant St TOTAL ACREAGE: 4,280 sf

5. EXISTING USE: Vacant/Residential ZONING DISTRICT FROM: I-1 TO: R-3

### 6. DESCRIPTION OF PROPOSAL:

Zone change requested due to existing zoning classification of I-1 being inappropriate. In addition to zone change from I-1 to R-3, a side setback variance is requested of 4.5 ft. and 5 ft variance (see attached plans).

7. FEE: refer to Fee Schedule

8. SUPPLEMENTAL INFORMATION: (1) A legal description (or deed) of the property. (2) Any request for a zoning map amendment to any single or two family residential zone shall be required to submit a site plan; any request for a zoning map amendment to any other zone shall be required to submit a conceptual development plan in accordance with all applicable requirements of the Zoning Ordinance. (3) A narrative response to address the findings necessary for the map amendment. Before any map amendment is granted, the planning commission must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court: (Refer to Article 5 of the Zoning Ordinance- Amendments).

- a. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate.
- b. That there have been major changes of an economical, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive plan and which have substantially altered the basic character of such area.

### CHECKLIST:

- Attach a Legal Description of the Property
- Attach a narrative to address the necessary findings for the ZMA (as described above)
- Attach a site plan or conceptual development plan
- Attach a list of adjoining property owners (name and address)
- Post a notice of the ZMA on the property at least 14 days prior to the public hearing in accordance with KRS 100.212

I hereby certify that the information contained in this application and supporting attachments is true and correct. I acknowledge that the paid fee will not be returned after legal notices have been submitted.

 3/1/21  
APPLICANT SIGNATURE DATE

Applications under zoning regulations involve legal procedures and the satisfaction of legal requirements, often complex, based up the written information in your application and the facts presented at your hearing. If you fail to comply with the procedures, or to satisfy the requirements your application will be subject to denial. Even if your application is approved it could be subject to a neighboring landowners appeal to the Circuit Court. You are not required to employ an attorney but you are encouraged to do so.

## **ZMA 21-01 NARRATIVE**

**RE: Zone map amendment request from I-1 Light Industrial to R-3 Residential at 1216 Pleasant St.**

Requesting for a zone map amendment to change original zoning classification of existing lot of record from I-1 Light Industrial to R-3 Residential. Application materials include a site plan along with a side variance setback requests of 5 ft. and 4.5 ft. A survey plat produced by a licensed surveyor will be completed prior to obtaining building permit.

The finding requested for this zone change is that the existing zone classification of I-1 given to the property is inappropriate and the proposed zoning classification of R-3 is appropriate.

Some supporting background on this property:

- The lot size of ~4,280 sf is more in conformance with the R-3 lot size minimum (7,200 sf) than the I-1 lot size minimum (43,560 sf or 1 acre).
- A single-family dwelling once existed on this property until 2005. Since then, the property has been vacant.
- This segment of Pleasant St. is otherwise zoned residential.

2/26/21

REQUESTING FOR A SIDEYARD RESTRICTION VARIANCE TO BUILD  
A NEW CONSTRUCTION HOME IN EXISTING R-3 NEIGHBORHOOD.  
CURRENT R3 REQUIREMENTS ARE 10' EACH SIDE AND  
I REQUEST 4.5/5.0' EACH SIDE. THIS WOULD ALLOW FOR  
A REASONABLE WIDTH TO FRONT OF STRUCTURE. THIS REQUEST  
IS IN LINE WITH CURRENT NEIGHBORING STRUCTURES.

DISTANCE BETWEEN 1205-1209 PLEASANT STREET STRUCTURES  
IS 9'6", DISTANCE BETWEEN 1201-1205 PLEASANT ST  
STRUCTURES IS 9'

MY REQUEST WOULD MIMIC THESE STRUCTURES.

BJ Hel

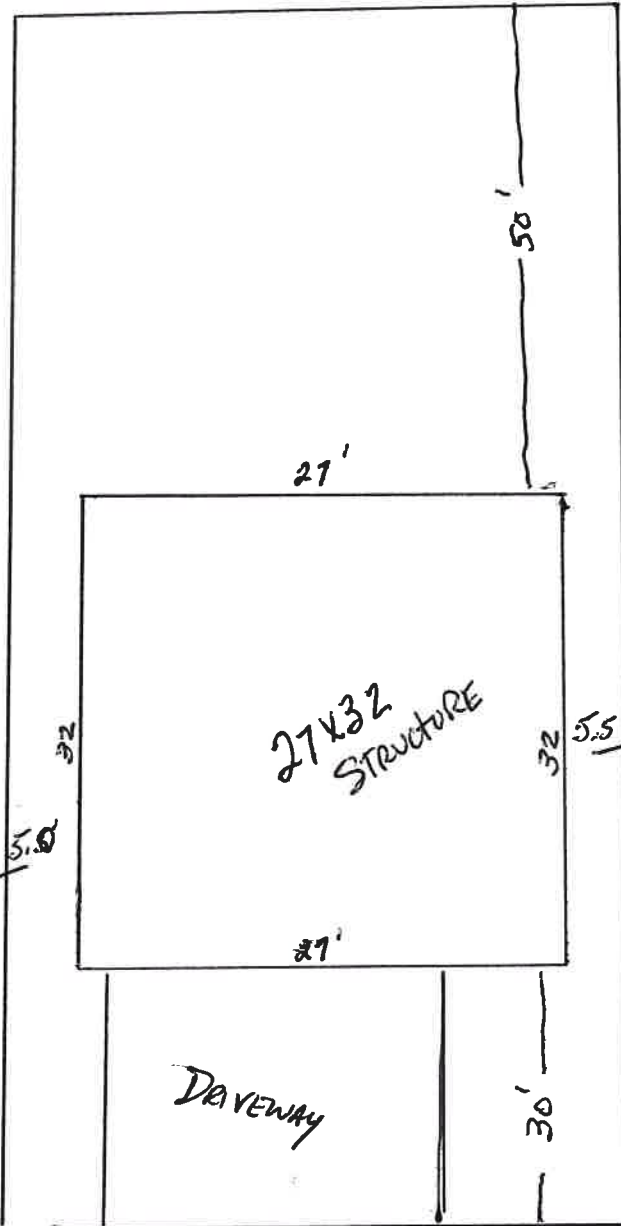


1216  
PLEASANT

PLEASANT ST

1216 PLEASANT

1212 PLEASANT



SIDEYARD REQUEST  
5.0' VARIANCE

SIDEYARD REQUEST  
4.5' VARIANCE

← 37.5 →

PLEASANT STREET



THIS DEED, made and entered into on this 20 day of NOVEMBER, 2020, by and between PHILLIPS INCORPORATED, a Kentucky corporation, party of the first part, of 158 Camp Creek Way, Georgetown, KY 40324, and BRIAN J. HALEN AND TRACYE M. HALEN, husband and wife, parties of the second part, of 217 Paynes Landing, Georgetown, KY, 40324. The 2020 property tax bill should be sent to parties of the second part at the aforementioned address.

**WITNESSETH**

THAT the party of the first part, for and in consideration of the total purchase price of \$8,000.00, cash in hand paid by the parties of the second part, the receipt of all of which is hereby acknowledged, has bargained and sold and does hereby grant and convey unto the parties of the second part, for and during their joint lives together with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described property together with all improvements thereon and appurtenances thereunto belonging, located in the County of **Bourbon**, State of Kentucky, described as follows, to-wit:

Parcel No. 2 - 1216 Pleasant Street, Paris, Ky

That certain house and lot in Paris, Ky on the south side of Pleasant Street, fronting 37-1/2 feet on Pleasant Street and extending back to the Louisville & Nashville Railroad Co., adjoining the property of Jeff McCabe on the north and that of Albert Wright on the south; the line next to McCabe being about 112 feet and that next Wright being 100 feet;

Being a part of the same property conveyed to Phillips Incorporated, a Kentucky corporation, by deed dated August 9, 2019, from Estate of Russell C. Alexander, Jr., et al, of record in Deed Book 311, page 573 in the Bourbon County Clerk's office.

TO HAVE AND TO HOLD the above described property unto the said parties of the second part, for and during their joint lives together with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever.

And the said party of the first part does hereby release and relinquish unto the said parties of the second part, their heirs and assigns, all of its (first party's) right, title and interest in and to said property, including dower, curtesy, and the Homestead Exemption and any and all other exemptions as allowed by law, and does hereby covenant to and with the said parties of the second part, their heirs and assigns, that it (first party) is lawfully seized in fee simple to said property and has good and lawful right to sell and convey the same as is herein done, and that the title to said property is free, clear and unencumbered and that it (first party) will WARRANT GENERALLY the said title.

PROVIDED, HOWEVER, this conveyance and the above warranty are made subject to all applicable restrictions, covenants, agreements and easements of record affecting said title; liens for the current ad valorem taxes and special assessments (if applicable) assessed against the property which second parties assume and agree to pay; and all applicable building, zoning and health enactments.

The parties hereto state the consideration reflected in this deed is the full consideration paid for the property. The parties of the second part joins this deed for the sole purpose of certifying the consideration pursuant to KRS 382.990.

IN WITNESS WHEREOF, the said parties have hereunto set their hand, on this the day and year first above written.


FIRST PARTY (SELLER):


PHILLIPS INCORPORATED

BY: 

Ernest A. Phillips, President

SECOND PARTIES (BUYERS):

  
BRIAN J. HALEN

  
TRACYE M. HALEN

STATE OF KENTUCKY )

COUNTY OF FAYETTE )

The foregoing Deed and Consideration Certificate was acknowledged and sworn to before me by Ernest A. Phillips, as President of Phillips Incorporated, a Kentucky corporation, as party of the first part, for and on behalf of said corporation, on this the 20 day of NOVEMBER, 2020.

My Commission Expires: 6/14/24

Jennifer E. Busson  
NOTARY PUBLIC  
Commonwealth of Kentucky  
Comm. # KYNP1754  
My Commission Expires 6/14/2024

  
NOTARY PUBLIC ID#KYNP1754

STATE OF KENTUCKY )

COUNTY OF FAYETTE )


The foregoing Consideration Certificate was acknowledged and sworn to before me by Brian J. Halen and Tracye M. Halen, husband and wife, as parties of the second part, on this the 20 day of NOVEMBER, 2020.

My Commission Expires: 6/14/24

Jennifer E. Busson  
NOTARY PUBLIC  
Commonwealth of Kentucky  
Comm. # KYNP1754  
My Commission Expires 6/14/2024

  
NOTARY PUBLIC ID#KYNP1754

THIS INSTRUMENT PREPARED BY:

  
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JENNIFER E. BUSSON  
THURMAN LAW GROUP  
36 Duke Road, Suite A  
Lexington, Kentucky 40502  
(859) 252-1690

deed\9586



**ADJOINING PROPERTY OWNERS TO 1216 PLEASANT ST.**

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ROGERS ANGELA R  
1212 PLEASANT ST  
PARIS KY 40361

ALEXANDER ALISON B & MARK R  
1208 PLEASANT ST  
PARIS KY 40361

CSX  
500 Water St, J-180, 12<sup>th</sup> FL  
Jacksonville, FL 32202

VAUGHN GEORGE VINCENT  
1308 SOUTH MAIN ST  
PARIS KY 40361

[LEATHAN PROPERTIES LLC](#)

P O BOX 5341  
PARIS KY 40362-5341

BARRETT JUDITH L & LARRY  
1213 PLEASANT ST  
PARIS KY 40361

**BOURBON COUNTY JOINT PLANNING OFFICE  
PARIS MUNICIPAL BUILDING  
525 HIGH STREET, SUITE 127  
PARIS, KENTUCKY 40361  
PHONE # 859-987-2150**

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March 1, 2021

Brian H and Tracy M Halen  
217 Paynes Landing Blvd  
Georgetown KY 40324

**Request for a Zoning Map Amendment and Dimensional Variances**

The Bourbon County Joint Planning Commission will meet to hear your request for a Zoning Map Amendment and Dimensional Variances at 1216 Pleasant Street, Paris, Bourbon County, KY. The request is to change the zoning from I-1 to R-3 and Side Setback Variances of 5 feet and 4.5 feet.

The time and location of the hearing are: THURSDAY, MARCH 18, 2021 AT 6:30 P.M. IN THE SECOND FLOOR COURTROOM OF THE BOURBON COUNTY COURTHOUSE, 301 MAIN STREET, PARIS, KY 40361

The owner of the property, or their attorney, must attend the meeting. All entities **must** be represented by an attorney.

You must mark the requested Zoning Map Amendment and Dimensional Variances with the sign provided to you. This sign should be displayed so as to be read from the road. This must be done as soon as possible. The Board members may want to physically visit and view the site prior to the meeting.

If you have any questions, please contact me at 987-2150.

Sincerely,



Andrea S. Pompei Lacy, AICP  
Planning Administrator