

APPLICATION TO BOARD OF ADJUSTMENT

Variance

Paris- Bourbon County Joint Planning Commission

301 Main Street, Paris, KY 40361 • (859) 987-2150 • Fax (859) 987-2136

Office Use only:

Application No. VAR 22-04

Fee Amount: \$200.00

Date Fee Received: 6/29/2022

#1248

1. APPLICANT William Herrington, Jr. and Teresa Herrington Owner (if different) _____

MAILING ADDRESS 5460 Paris Pike, Lexington, KY 40511

PHONE NO. (859)533-3724 (HOME) _____ (WORK) _____

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

Location 2005 and 2007 Main Street, Paris, KY

3. SUBDIVISION _____

4. EXISTING USE _____ ZONING DISTRICT _____

5. DESCRIPTION OF REQUEST see attached

7. SUPPORTING INFORMATION:

VARIANCE - Attach plans drawn to scale showing the dimensions and shape of the lot or land, the size and locations of existing buildings, the locations and dimensions of proposed buildings or additions, and any natural or topographic peculiarities of the lot in question. In order for a variance to be granted, the applicant must prove to the Board that the

following items are true: (Please attach these comments on a separate sheet) Refer to section 4.28 (Dimensional Variance) in Zoning Ordinance.

- A. Special conditions exist peculiar to the lot, land or building(s) in question.
- B. That a literal interpretation of the zoning ordinance would deprive the applicant of the rights enjoyed by other property owners.
- C. That the special conditions do not result from previous actions of the applicant.
- D. That the requested variance is the minimum variance that will allow a reasonable use of the lot, land or building(s).

CHECKLIST:

- Attach a Legal Description of the Property
- Attach a plan of the proposed variance (as described above)
- Attach a separate statement describing A-D
- Attach a narrative describing any prior actions taken by the Board of Adjustment on this property
- Attach a list of adjoining property owners (name and address)

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. The filing fee covers the cost of public notice and the recording of a Land Use Restriction at the County Clerk's Office.

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.

SUPPLEMENTAL INFORMATION
FOR THE APPLICATION OF
WILLIAM HERRINGTON, JR. AND TERESA HERRINGTON
FOR A VARIANCE

Description of Request

Initially applicants received approval of a zone change of the property to R-5 from the Joint Planning Commission and the Paris City Commission. Applicants have also received approval from the Joint Planning Commission of a preliminary development plan for a 15 unit multifamily building contingent on approval by the Paris Board of Adjustment of a variance of the Landscape Buffer Regulation. Applicants request a variance from the Regulations that require 10' landscape buffer along vehicular use areas. Applicants propose a 5' landscape buffer along the side and rear property lines.

Proposed Findings pursuant to Paris Code of Ordinances Section 81.201

The applicant proposes the Board find as follows:

1. The shape of Applicants' property is such that in order to create a safe entrance way and parking area the buffer area must be reduced.
2. To strictly enforce the 10' buffer would create a safety issue for persons entering the parking area and parking thereon.

3. The shape of the lot is not the result of actions of the applicant as the lot lines were established many years ago.

4. The variance will enhance public safety by giving additional space for motor vehicles to enter the parking area and maneuver into parking spaces.

Prior Actions by Board of Adjustment

Applicants are not aware of any prior actions by the Board of Adjustment relating to this real property.

Adjoining property Owners

Donald K. and Lillian Smith, 2009 S. Main Street, Paris, KY
Mailing address: 20 Roeling Acres, Paris, KY 40361

J Gilbert and Hammond and Janet R. Hammond, 2001 S. Main St.,
Paris, KY, mailing address: 13297 Green Road, Walton, KY 41094

Bud LLC 21 W 20th St., Paris, KY, mailing address: 1348 S. Main
St., Paris, KY 40361

Evelyn Brinegar 25 W 20th St., Paris, KY, mailing address: 25 W
20th St., Paris, KY 40361

Allene C. Crump 27 W 20th St., Paris, KY, mailing address: 27
20th St., Paris, KY 40361

Christa M. Turpin 31 W 20th Street, Paris, KY, mailing address:
31 W 20th St., Paris, KY 40361

Southeastern KY Rehab 1 W 20th Street, Paris, KY, mailing
address: P.O. Box 1692, Corbin, KY 40702

Legal Description

Attached and collectively marked as Exhibit A is a copy of the two deeds by which the applicants took title to the property.

"Exhibit. H"

BOOK 313 PAGE 579

REALESTATE TAX PAID AMT \$ 10.⁰⁰
RICHARD STIPPEADS, BCC
DATE 3/19/2020 BY A. Jay Hunter DC

DEED

THIS DEED made and entered into this 17th day of March, 2020, by and between WAYNE SHIELDS, a single person, with a mailing address of 502 E Main Street, Carlisle, KY 40311, PARTY OF THE FIRST PART, and WILLIAM HERRINGTON, JR. AND TERESA HERRINGTON, husband and wife, with a mailing address of 5460 Paris Pike, Lexington, KY 40511, PARTIES OF THE SECOND PART. The property tax bill for the current year should be mailed "in care of" William Herrington, Jr. and Teresa Herrington, 5460 Lexington Road, Lexington, KY 40511.

WITNESSETH:

That for and in consideration of the sum of \$10,000.00, the receipt of which is hereby acknowledged by the First Party, the First Party has bargained and sold and by these presents does hereby grant and convey equally and jointly unto the Second Parties, for and during their joint lives, with remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described real property situated in Paris, Bourbon County, Kentucky, to wit:

That certain lot of ground, with all the improvements thereon, near the City limits of Paris, Kentucky, and described as follows:

BEGINNING at the corner of Harry Speake's lot (formerly Louisa Mappin) and running with the line of Main Street 49 feet to J. W. Mallory's lot; thence at right angles and in a line parallel with Twentieth Street 70 feet to a corner; thence at right angles and in a line parallel with Main Street to Twentieth Street; thence with Twentieth Street 38.5 feet to the rear of said lot; thence at right angles 100 feet to Speakes' line; thence with Speakes' line 130 feet, more or less, to the beginning.

And BEING the same property conveyed to Margaret F. Hardwick, a single person, and Wayne Shields, a single person, by deed dated June 15, 1990, and of record in the Office of the Bourbon County Court Clerk in Deed Book 209, at Page 423. The said Margaret F. Hardwick having thereafter died and by virtue of the survivorship language contained in the aforesaid deed, full and complete title to the above described real property passed to Wayne Shields.

20 MAR 19 PM 2:49

LOGGED FOR RECORD
RICHARD STIPPEADS
BOURBON COUNTY CLERK

STATE OF KENTUCKY

COUNTY OF BOURBON

The foregoing Consideration Certificate was acknowledged and sworn to before me this 17th day of March, 2020, by William Herrington, Jr. and Teresa Herrington, husband and wife, Parties of the Second Part.

My Comm. Exp.: 9-16-2023

Sarah H. Jones
Notary Public, State at Large, Kentucky
Print Name: Sarah H. Jones
ID No.: 639536

This instrument was prepared by William J. Fooks, William J. Fooks, P.S.C., Attorney at Law, 278 East Main Street, Paris, Kentucky 40361.

WILLIAM J. FOOKS, P.S.C.

BY: [Signature]
William J. Fooks

STATE OF KENTUCKY
COUNTY OF BOURBON, Sct.
I, RICHARD STIPP EADS, Clerk of Bourbon County Court,
do certify that the foregoing DEED
was on 3/19/2020 lodged in my office for record,
and that it has been duly recorded in my said office,
together with this and the certificate thereon endorsed.
Given under my hand.
RICHARD STIPP EADS, CLERK
Richard Stipp Eads, BCC



2020 MAY 29 AM 9:42

LODGED FOR RECORD
RICHARD STIPP EADS
BOURBON COUNTY CLERKDEED

THIS DEED made and entered into this 24 day of May, 2020, by and between LINDA J. JONES, Executrix for the Estate and Under the Will of Reynolds E. Frederick (aka Reynolds Edward Frederick), with a mailing address of 2007 S Main Street, Paris, KY 40361, PARTY OF THE FIRST PART, and WILLIAM HERRINGTON, JR. AND TERESA HERRINGTON, husband and wife, with a mailing address of 5460 Paris Pike, Lexington, KY 40511, PARTIES OF THE SECOND PART. The property tax bill for the current year should be mailed "in care of" William Herrington, Jr. and Teresa Herrington, 5460 Lexington Road, Lexington, KY 40511.

WITNESSETH:

That for and in consideration of the sum of \$35,000.00, the receipt of which is hereby acknowledged by the First Party, the First Party has bargained and sold and by these presents does hereby grant and convey equally and jointly unto the Second Parties, for and during their joint lives, with remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described real property situated in Paris, Bourbon County, Kentucky, to wit:

Beginning at a stake in the N.W. margin of Maysville and Lexington Turnpike Road, corner to the Catholic Cemetery Lot; thence with the line of said cemetery lot 242 feet to corner to lot of G.W. Taylor; thence at right angles to the cemetery line 72-1/2 feet, corner to Taylor; thence from said corner 243 feet, more or less, to a point in the Maysville and Lexington Turnpike 67 feet from the first mentioned stake; thence running along the line of said pike 67 feet to the beginning.

Also a certain lot of ground near the City limits of Paris, Kentucky, on the Maysville and Lexington Turnpike; and described as follows: Beginning at a post corner to Lutie Mappin (now above described lot); thence N 38 deg. 40' W 219.2 feet to a stake; thence N 50 deg. 6' E 77.6 feet to a stake in the line of Catholic Cemetery; thence S 37 deg. 24" E 219.2 feet to corner to said Mappin (now above described lot); thence S 53 deg. 11' W 72.5 feet to the beginning. But there is excepted therefrom, those two small parcels of land conveyed to Electric Steam Radiator Corp., by deed of record in Deed Book 134, Page 516 and Deed Book 136, Page 218, Bourbon County Clerk's Office and more particularly described as follows: (1) That certain vacant lot in Paris, Bourbon County, Kentucky, beginning at 1, a corner to Henry Mastin and Electric Steam Radiator; thence N 48 deg. 55" E 78' to 2; thence S 35 deg. 24" E 55.5' to 3; thence S 50 deg. W 76.5' to 4; thence S 4' to the point of beginning. (2) Beginning at a point corner to Henry and McCann in the line of Electric Steam Radiator; thence along the line of Electric Steam Radiator N 50 deg. E 76.5' to a point in the line of Cray Barlow; thence with Cray Barlow's and Henry's line, S 38 deg. E 75' to a point in the line of Robert Harney a new corner to Henry, thence with Henry's line S 50 deg. W 74' to a new corner to McCann; thence with McCann's line N 40 deg. W 75' to the point of beginning.

Reynolds Edward Frederick), Party of the First Part.

My Comm. Exp: 9-16-2023

Sarah H. Jones
Notary Public, State at Large, Kentucky
Print Name: Sarah H. Jones
ID No.: 629536

STATE OF KENTUCKY

COUNTY OF BOURBON

The foregoing Consideration Certificate was acknowledged and sworn to before me this 26 day of May, 2020, by William Herrington, Jr. and Teresa Herrington, husband and wife, Parties of the Second Part.

My Comm. Exp.: 9-16-2023

Sarah H. Jones
Notary Public, State at Large, Kentucky
Print Name: Sarah H. Jones
ID No.: 629536

This instrument was prepared by William J. Fooks, William J. Fooks, P.S.C., Attorney at Law, 278 East Main Street, Paris, Kentucky 40361.

WILLIAM J. FOOKS, P.S.C.

[Signature]
BY: _____
William J. Fooks

STATE OF KENTUCKY
COUNTY OF BOURBON, Sct.
I, RICHARD STIPP EADS, Clerk of Bourbon County Court,
do certify that the foregoing DEED
was on 5/29/2020 lodged in my office for record,
and that it has been duly recorded in my said office,
together with this and the certificate thereon endorsed.

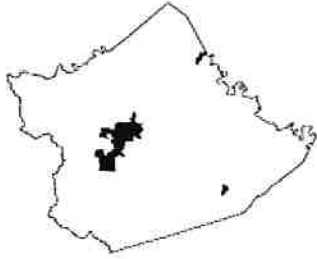
Given under my hand.
RICHARD STIPP EADS, CLERK

Richard Stipp Eads, BCC

Book 314 Page 126 (3)



787208



BOURBON COUNTY JOINT PLANNING OFFICE

525 High Street

Paris, KY, 40361

859.987.2150

www.bourboncountyplanning.com

Permit #: 320

Permit Type:

Address: S MAIN ST 2007

City: PARIS

State: KY

Zip: 40361

Owner: WILLIAM & TERESA HERRINGTON

Owner Address: 5460 LEXINGTON RD

Owner City: LEXINGTON

Owner State: KY

Owner Zip: 40511

Owner Phone:

Owner Email:

Receipt #: 222

Date: 06/29/2022

Paid By: Check # 1248

Description: Check on The Law Office of James Lovell #1248 \$200.00 for application VAR 22-04

Payment Type: Check

Payment Type #1248

Description:

Accepted By: Micki Sosby

Fees Paid

Fee Name	Fee Type	Description	Factor	Total Fee Amount	Amount Paid
Variance	Application		0.00	200.00	200.00
				Total:	\$200.00