

APPLICATION TO BOURBON COUNTY JOINT BOARD OF ADJUSTMENT

Variance

Bourbon County Joint Planning Commission

525 High Street Office 127, Paris, KY 40361 • (859) 987-2150

Office Use only:

Application No. VAR 22-05

Fee Amount: \$ 200 ^{cash}

Date Fee Received: 7-26-22

1. APPLICANT Jose Kemper Owner (if different) _____

MAILING ADDRESS 3590 Olympia Rd, Lexington, KY 40517

PHONE NO. 859-435-0397 (HOME) _____ (WORK) _____

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

Location 816 W 8th St, Paris, KY 40361

3. SUBDIVISION N/A

4. EXISTING USE Vacant Residential ZONING DISTRICT B-2 Commercial

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 7/26/22 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. Individuals are not required to employ an attorney, but you are encouraged to do so. All business entities require legal representation.

August 1, 2022

Bourbon County Joint Board of Adjustment

525 High St, Paris, KY 40361

Dear Bourbon County Board of Adjustment,

Enclosed is an application for setback variance request at 516 W. 8th Street. See plat and description of request on survey plat and cover page of application. We would like to replace an existing dilapidated condemned home with a new residence. This lot is currently zone as B-2 Commercial but has historically been a residential property.

There are special conditions that exist on this particular lot. First, the lot is considered a lot of record due to it being less than ½ acre in size. The literal interpretation of the zoning ordinance would prevent us from being able to replace the existing residence with another that is within character of the existing neighborhood.

To our knowledge, there have been no prior actions taken by the Board of Adjustments on this property.

Sincerely,

Jose Kemper

Robert Brown

816 W 8TH STREET, PARIS KY

ADJOINING PROPERTY OWNERS

Parcel Number 026-70-08-006.00
Location Address 510 W 8TH ST
[CLARK JAMES L & BARBARA A](#)
1104 VINE ST
PARIS KY 40361

Parcel Number 026-50-04-006.00
Location Address 509 W 8TH ST
[SNOWDEN RORY R & SHARADON G](#)
1601 HAWTHORNE LN
LEXINGTON KY 40505

Parcel Number 026-50-04-005.00
Location Address 521 W 8TH ST
[BROWN ROBERT](#)
3590 OLYMPIA RD
LEXINGTON KY 40517

Parcel Number 026-70-08-004.00
Location Address 518 W 8TH ST
CROOKS KAREN MARIE
528 W 8TH ST
PARIS KY 40361

Parcel Number 026-70-08-014.00
Location Address 517 PATTON ST
CRUTCHER GEORGE & MARTHA
519 PATTON ST
PARIS KY 40361

Parcel Number 026-70-08-013.00
Location Address 513 PATTON ST
[REED BILLY J](#)
220 RUCKER ST
PARIS KY 40361

Parcel Number 026-70-08-012.00
Location Address 511 PATTON ST
[OLIVER DAVID](#)
513 PATTON ST
PARIS KY 40361

REAL ESTATE TAX PAID AMT \$ 12.00
RICHARD STIPPEADS, BCC
DATE 1/28/21 BY R. Stippeads DC

BOOK **316** PAGE **365**

AFTER RECORDING RETURN TO:
JACK MARTIN GOINS
ATTORNEY AT LAW
315 Pleasant Street
Paris, Kentucky 40361

DEED

THIS DEED made and entered into this 14th day of January, 2021, by and between **JAMES L. CLARK** and **VICKI L. CLARK**, husband and wife, and **BARBARA CLARK**, single, all c/o 1104 Vine St., Paris, KY 40361, parties of the first part, and **JOSE KEMPER**, of 147 E. Loudon Ave., Lexington, KY 40505, and **ROBERT LEE BROWN**, of 3590 Olympia Rd., Lexington, KY 40517, parties of the second part; transfer year taxes in care of Jose Kemper and Robert Lee Brown, 3590 Olympia Rd., Lexington, KY 40517.

WITNESSETH:

For and in consideration of the sum of **ELEVEN THOUSAND SEVEN HUNDRED DOLLARS (\$11,700.00)** paid to the parties of the first part by the parties of the second part, the receipt of all of which the parties of the first part hereby acknowledge, the parties of the first part hereby bargain, sell and convey unto the parties of the second part, in fee simple, to the survivor of them, their heirs and assigns forever, and with the Covenant of **GENERAL WARRANTY**, all of the first parties' right, title and interest in and to the following described real property located in Bourbon County, Kentucky:

ALSO, that certain lot of ground located in the City of Paris, Bourbon County, Kentucky, on the north side of Eighth Street and adjoining the above described lot and is more particularly described as follows:

BEGINNING at 1, the southwest corner of the above mentioned lot, and running in a westerly direction a distance of 35 feet 9 inches, more or less, to 2, a corner to Albert Bacon; thence north with Bacon's line a distance of 81 feet, more or less, to 3, a corner to Ida Gaines; thence with her line in an easterly direction a distance of 77 ½ feet, more or less, to 4, a corner to Kate Collier (now Henry Dunlap); thence south with Dunlap's line 24 feet, more or less, to a post in the line of Dunlap in the above described property conveyed to J. L. Armsparger; thence continuing south a distance of 81 feet, more or less, to the point of beginning.

2021 JAN 26 PM 4:03

BOURBON COUNTY CLERK
RICHARD STIPPEADS
DATE 1/28/21

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The improvements on the above property being commonly known and designated as 516 W. 8th Street, Paris, Kentucky.

AND BEING PART OF the same property conveyed to James L. Clark and Barbara A. Clark by Deed dated June 11, 1991, and of record in Deed Book 210, Page 84, Bourbon County Clerk's Office.

TO HAVE AND TO HOLD the above described property together with all appurtenances and privileges thereunto belonging, unto the parties of the second part, in fee simple, to the survivor of them, their heirs and assigns forever, with Covenant of GENERAL WARRANTY subject, however, to easements and restrictions of record.

IN TESTIMONY WHEREOF the parties of the first part have hereunto signed their hands on this date, which is first above written.

The undersigned, James L. Clark and Barbara A. Clark, husband and wife, and Barbara A. Clark, single, Grantors herein, and Jose Kemper and Robert Lee Brown, Grantees herein, do hereby certify, pursuant to K.R.S. 382, that the above stated consideration in the amount of \$11,700.00 is the true, correct and full consideration paid for the property herein conveyed.

GRANTORS:



JAMES L. CLARK



VICKI L. CLARK



BARBARA CLARK

COMMONWEALTH OF KENTUCKY

COUNTY OF BOURBON

The foregoing instrument was subscribed, sworn and acknowledged before me by James L. Clark and Barbara A. Clark, husband and wife, and Barbara A. Clark, single, this 14th day of January, 2021, as first parties and Grantors herein.

DEED Book 316 Page 366



Pamela Denise Evans
NOTARY PUBLIC – STATE AT LARGE
My Commission expires: 01/15/2024
Notary ID #KYNP800 Pamela Denise Evans

GRANTEES:

Jose Kemper
JOSE KEMPER

Robert L. Brown
ROBERT LEE BROWN

COMMONWEALTH OF KENTUCKY
COUNTY OF BOURBON

The foregoing instrument was subscribed, sworn and acknowledged before me by Jose Kemper and Robert Lee Brown, this 14th day of January, 2021, as second parties and Grantees herein.



Pamela Denise Evans
NOTARY PUBLIC – STATE AT LARGE
My Commission expires: 01/15/2024
Notary ID #KYNP800 Pamela Denise Evans

THIS INSTRUMENT PREPARED BY:

JACK MARTIN GOINS
JACK MARTIN GOINS
Attorney at Law
315 Pleasant Street
Paris, Kentucky 40361
(859) 987-7994

STATE OF KENTUCKY
COUNTY OF BOURBON, Sct.
I, RICHARD STIPP EADS, Clerk of Bourbon County Court,
do certify that the foregoing DEED
was on 1/26/2021 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

Book 316 Page 365 (3)



DEED Book 316 Page 367
Richard Stipp Eads, BCC



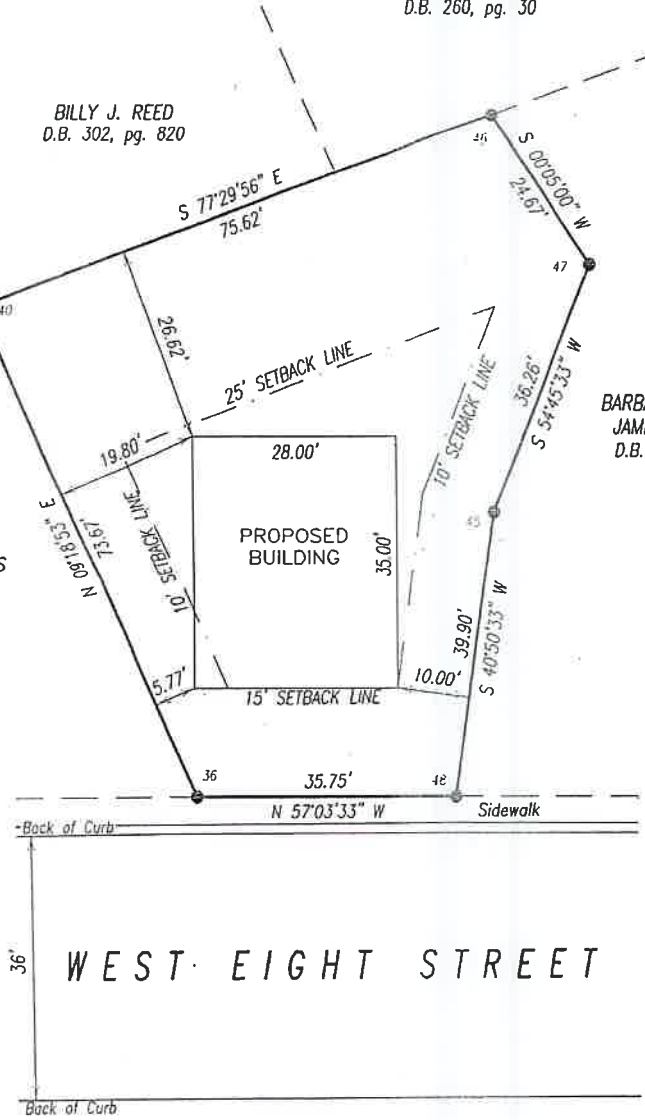
DAVID OLIVER
D.B. 260, pg. 30

BILLY J. REED
D.B. 302, pg. 820

GEORGE CRUTCHER
MARTHA CRUTCHER
D.B. 309, pg. 161

KAREN MARIE CROOKS-DAVIS
D.B. 278, pg. 213

BARBARA A. CLARK
JAMES L. CLARK
D.B. 210, pg. 84



36' WEST EIGHT STREET

SITE PLAN

JOSE KEMPER
ROBERT LEE BROWN
516 8TH STREET
PARIS, KY

STATE of KENTUCKY ROBERT L. BALDWIN 1366 LICENSED PROFESSIONAL LAND SURVEYOR	SCALE 1" = 20'	DATE 07/19/22	<h1 style="margin: 0;">Baldwin</h1> <h2 style="margin: 0;">ENGINEERING</h2> <p style="font-size: small; margin: 0;">116 South Highland Street - P.O. Box 42 Winchester, Kentucky 40392</p>
	FILE NO. 22-6342	FILENAME PARIS08TH	
	FIELD BOOK 331-45	CRD FILE PARIS08TH	
	DRAWN BY SRP	CHECKED BY RLB	



W 7th St

W 7th St

W 7th St

W 8th St

W 8th St

Patton St

Williams St

Walker Ave

R3

Williams St

Walker Ave

W 8th St

B-2

R3

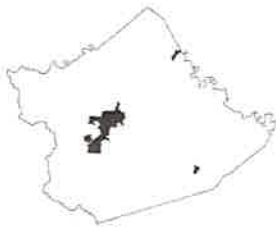
Lylesville St

W 8th St

Houston Street

Horton Dr

Walker Ave



Bourbon County
Joint Planning Office

City of Paris



B-2 GENERAL COMMERCIAL ZONING QUICK INFO SHEET

LAND USE
<i>How can I use my property?</i>
<p>Permitted Uses</p> <ul style="list-style-type: none"> • Any retail business, or service use excluding service stations. • Public, semi-public uses, such as public libraries, schools, municipal, county, state or federal uses; pumping stations, substations, utilities and utilities offices; churches and other places of worship; parish houses; dry-cleaning establishments; souvenir or gift shops; sporting equipment sales; funeral homes; cemeteries; nursing homes; wineries; micro-breweries; hospitals for human care; philanthropic institutions and clubs; radio broadcasting; offices of doctors, optometrists, ophthalmologists, realtors, and lawyers; institutional, cultural and recreational facilities, hotels, motels, financial institutions; any other business office, professional and non professional; state-approved child care service; restaurants and other food and drink establishments; service stations and garages for repair within closed buildings; drive-in theaters; recreational uses; animal hospitals; mini-warehouses; and outdoor commercial advertising. • Any accessory use or building customarily incidental to the above uses. • Apartment units above the first floor. • Recreational uses and places of amusement. <p>Conditional Uses</p> <ul style="list-style-type: none"> • Apartment units on the first (ground) level floor in existing commercial structures where the first floor has been vacant for two consecutive years. • Single-family dwellings in existing structures originally designed as such. • Accessory uses (such as welding, assembly, and the like) that occupies no more than 10% of the total floor area.

BUILDING	
<i>Where and what can I build?</i>	
<p>Setbacks*</p> <ul style="list-style-type: none"> • Main Structure <ul style="list-style-type: none"> Front: 50 FT Side: 25 FT (adjoining residence – 50 FT) Rear: 25 FT (adjoining residence – 50 FT) • Accessory Structure 	<p>Sizing</p> <p>Maximum building height: 35 FT Lot minimum: 21,780 SQ FT Minimum lot width at building setback line: 150 FT Maximum lot coverage: 33%</p>

Note: This sheet provides a summary of basic information for this type of zone district. Please consult the [City of Paris Zoning Ordinance](#) for complete information.



Bourbon County
Joint Planning Office



City of Paris

R-3 RESIDENTIAL

ZONING QUICK INFO SHEET

LAND USE

How can I use my property?

Permitted Uses

- Single-family dwellings
- [Home occupations](#) (Beauty shop, custom textiles for apparel and home furnishings, business office in which merchandise is not commercially created, stored or sold, tutoring of not more than 4 people simultaneously, fine arts studio, rooming of not more than 4 people, bakeries which do not employ more than 2 full-time people, antique shops, art galleries, photography studios, computer consulting, catering, and dog grooming.)
- Bed and breakfast establishments limited to 5 separate accommodations.

Conditional Uses

- Churches and other places of worship, parish houses, public libraries, schools, municipal, county, state or federal uses, pumping stations, utility offices, substations, utilities, funeral homes, cemeteries, nursing homes, hospitals for human care, philanthropic institutions, radio broadcasting, medical, realtors, lawyers, state approved child care service with over 5 children.

BUILDING

Where and what can I build?

Setbacks*

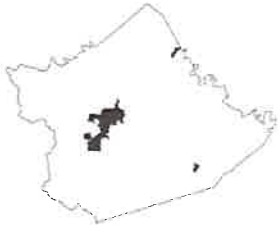
- Main Structure (Single-family)
 - Front: 30 FT
 - Side: 10 FT
 - Rear: 25 FT
- [Accessory Structure](#)

Sizing

Maximum building height: 35 FT
 Lot minimum: 7,200 SQ FT
 Minimum lot width at building setback line: 80 FT

*Front setbacks are measured from the street right-of-way to the furthestmost projection of the principal structure. Side and rear setbacks are measured from the property line to the furthestmost projection of the principal structure. For setback requirements for corner lots and public buildings, [Setbacks for Corner Lots, and Public Buildings](#).

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Bourbon County
Joint Planning Office

City of Paris

R-5 RESIDENTIAL

ZONING QUICK INFO SHEET

LAND USE

How can I use my property?

- Permitted Uses**
- Single-family dwellings, two-family dwellings, multi-family dwellings, [townhouses/rowhouses](#), and [townhouse condominiums](#).
 - [Home occupations](#) (Beauty shop, custom textiles for apparel and home furnishings, business office in which merchandise is not commercially created, stored or sold, tutoring of not more than 4 people simultaneously, fine arts studio, rooming of not more than 4 people, bakeries which do not employ more than 2 full-time people, antique shops, art galleries, photography studios, computer consulting, catering, and dog grooming.)
 - Bed and breakfast establishments limited to 5 separate accommodations.
- Conditional Uses**
- Churches and other places of worship, parish houses, public libraries, schools, municipal, county, state or federal uses, pumping stations, utility offices, substations, utilities, funeral homes, cemeteries, nursing homes, hospitals for human care, philanthropic institutions, radio broadcasting, medical, realtors, lawyers, state approved child care service with over 5 children.

BUILDING		Click below for:
<i>Where and what can I build?</i>		
<p>Setbacks*</p> <ul style="list-style-type: none"> • Main Structure <ul style="list-style-type: none"> Front: 25 FT Side: 10 FT Rear: 25 FT • Accessory Structure 	<p>Sizing</p> <p>Maximum building height: 45 FT Lot minimum: 7,200 SQ FT Minimum lot width at building setback line: 80 FT</p>	<p>Townhouse standards</p> <p>Multi-family standards</p>

*Front setbacks are measured from the street right-of-way to the furthestmost projection of the principal structure. Side and rear setbacks are measured from the property line to the furthestmost projection of the principal structure. For setback requirements for corner lots and public buildings, [Setbacks for Corner Lots, and Public Buildings](#).

Note: This sheet provides a summary of basic information for this type of zone district. Please consult the [City of Paris Zoning Ordinance](#) for complete information.