

ORDINANCE NO. #12-01

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF WILLIAM JENNINGS, 150 CAMERON WAY, BERE A, KY, FOR 7.85 +- ACRES AND AUTHORIZING THE CHANGE ON THE OFFICIAL ZONING MAP OF MADISON COUNTY, KENTUCKY.**

**WHEREAS**, the hereinafter described land is located in Madison County, Kentucky and

**WHEREAS**, the Madison County Planning Commission held a public hearing on Tuesday, December 20, 2011 to consider a Land Use Change Request Application from UC-4 General Commercial to UC-1 Single Family Residential. The applicant's request stated their justification for the proposed change is that the proposed change is in agreement with the adopted Comprehensive Plan because it is surrounded by single family residential zoning classifications and the property was zoned improperly to begin with as the owners did not request nor desire for the property to be zoned or used for commercial purposes;

**WHEREAS**, the Madison County Planning Commission upon hearing testimony made a motion with majority vote to recommend to the Madison County Fiscal Court to APPROVE the Land Use change request from UC-4 General Commercial to UC-1 Single Family Residential making a finding of fact that the property was zoned improperly, is best suited for residential purposes and that the proposed land use classification was not in agreement with the adopted Comprehensive Plan;

Vote was 6 yes to approve the proposed land use change request, 1-member was absent.

**WHEREAS**, the Madison County Fiscal Court upon hearing testimony made a motion to approve the proposed land use change request and made a finding of fact that based upon the testimony and evidence presented that the proposed land use change request is in agreement with the adopted Comprehensive Plan because the property is surrounded by single family residential areas; further the owner had no knowledge of his property being zoned for commercial use and did not desire or intend for it to be used as commercial. Based upon the evidence presented by the applicant motion was made supporting the findings of fact presented by the applicant to justify the proposed change.

**NOW, THEREFORE BE IT ORDAINED AND ENACTED**, by Madison County Fiscal Court that the land use classification of the following described property be changed by this ordinance from UC-4 General Commercial to UC-1 Single Family Residential classification:

**SECTION I**

Two certain adjoining tracts or parcels of land, with the improvements thereon, situated on the waters of Paint Lick Creek on the south side of State Highway No. 21, about 2 miles west of Berea, Madison County, Kentucky, bounded and described as follows:

Tract No. I: Beginning at a large red oak on top of a ridge, corner to Grant Newman and Ernest Sparks; thence with said Sparks down the ridge N 42 W 1028 feet to a post at the intersection of fences, corner to said Sparks and Tom Taylor; thence with Taylor S 25-30 W 282 feet to a stake; thence S 1-40 W 128 feet to a post; thence S 36-45 W, at 181 feet passing corner to line common to Taylor and Tract No. 2, in all 339 feet to an iron pipe on hillside; thence N 49-55 W 351 feet to a stake in the south right of way of State Highway No. 21 corner to Tract No. 2; thence along the south right of way State Highway No. 21, S 44-30 W 379 feet; S 52-30 W 157 feet; S 64-20 W 149 feet to a point in the center of a 20 foot roadway at the intersection with the south right of way of Highway No. 21, and corner to James Shelton; thence with said 20 foot roadway S 22-20 E 126 feet to a point in the center of said 20 foot roadway; corner to Tract No. 3; thence N 28-230 E 315 feet to a stake on the north side of a branch near a spring; thence S 28-25 E, crossing a ridge, 487 feet to a stake; thence S 69-30 W 359 feet to a stake in the center of a 20 foot roadway, corner in James Shelton line; thence with said Shelton, with the center of said road S 22-20 E 516 feet to a stake, corner to Tract 4; thence with Tract 4 with the meanders of a 20 foot road S 31 E 200 feet S 22 E 180 feet; thence S 11 E 140 feet to a point in center of said road, 12 inch maple pointer, corner in line of Arthur Eaton; thence with said Eaton, leaving said road, N 38 E 444 feet to a 12 inch gum with old survey hacks; thence S 20 E 631 feet to a stake on hillside, 8 E 385 feet to a hickory in fence line on top of hill, hickory pointer with old survey hacks, corner to Grant Newman thence with said Newman along the ridge N 70 W 239 feet to a stake, marked pointer; thence N 5 W 371 feet to a stake in edge of field, marked pine as pointer; thence N 23 E 463 feet to a stake in path, 2 pines with old survey pointer hacks; thence N 21 E 112 feet to a stake, pine with old pointer hacks; thence N 36 E 487 feet to the beginning, containing 47.10 acres, more or less.

## TRACT II

Being Tract No. 3 of the Hal Perry survey, beginning at a point in the center of a 20 foot road, corner to James Shelton and Tract No. 1, N 28-30 E 315 feet to a stake near a spring; thence crossing a ridge S 28-25 E 487 feet to a stake; thence S 69-30 W 359 feet to a stake in the center of a 20 foot road, corner in line of James Shelton; thence with Shelton and the road N 22-20 W 365 feet to the beginning containing 3.30 acres, more or less. The oil rights on most of this land is owned by M.H. Gabbard.

A certain tract or parcel of land lying and being on the East side of State Highway No. 21 in Madison County, Kentucky, and being more fully described as follows:

Beginning at a set ½" conduit with a plastic cap stamped RLS #2773 in the East right-of-way of State Highway No. 21 and being a corner to Danny Taylor; thence going with the line of Taylor the following calls: S 45 42' 01" E, 101.76 feet to a set ½" conduit with a plastic cap stamped RLS #2773; S 09 03' 54" E, 120.36 feet to a post; S 03 41' 21" E, 90.95 feet to a post; S 04 59' 12" W, 86.95 feet to a post; S 06 55' 10" W, 98.71 feet to a post, said point being a corner between Taylor and William Jennings; thence going with the line of Jennings the following calls: S 45 11' 41" E, 40.92 feet to a set ½" conduit with a plastic cap stamped RLS #2773; S 32 48' 28" W, 246.63 feet to a found metal

post; S 27 45' 59" E, 116.90 feet to an inaccessible point in pond; S 67 45' 07" W, 343.39 feet to a set ½" conduit with a plastic cap stamped RLS #2773 in the East right-of-way of Dale Road and a corner to Jennings; thence going with said right-of-way S 20 15' 31" E, 50.00 feet to a found iron pin in the East right-of-way of said road and a corner to William Jennings; thence going with the line of Jennings N 67 50' 00" E, 350.00 feet to an inaccessible point in a pond, said point being a corner between Jennings and Bob Bowling; thence going with the line of Bowling N 67 50' 00" E, 359.75 feet to a found iron pipe; thence S 22 46' 36" E, 241.24 feet to a found iron pin in the line of Bowling and a corner to William Jennings; thence going with the line of Jennings N 89 14' 43" E, 443.54 feet to a set ½" conduit with a plastic cap stamped RLS #2773 in the line of Lakeview Estates and a corner to Jennings; thence going with the line of Lakeview Estates N 14 22' 01" E, 105.15 feet to an angle post; thence N 10 15' 43" E, 143.33 feet to a found iron pin, said point being a corner between Lakeview Estates and Harold Brothers; thence going with the line of Harold Brothers N 55 17' 51" W, 466.52 feet to a ½" conduit with a plastic cap stamped RLS #2773 at the base of a post; thence N 25 15' 55" W, 40.70 feet to a set ½" conduit with a plastic cap stamped RLS #2773 at the base of a post, said point being a corner between Harold Brothers and Herman Anglin; thence going with Anglin line the following calls: S 80 38' 00" W, 438.70 feet to a found 1" rebar; N 37 11' 37" W, 26.13 feet to a found 1" rebar; N 13 36' 09" E, 59.14 feet to a found metal post; N 06 00' 49" E, 101.81 feet to a found ½" rebar; N 05 41' 26" W, 98.52 feet; N 04 41' 23" W, 138.34 feet to a found metal post; N 44 14' 24" W, 119.18 feet to a found ½" rebar with cap #1264 in the East right-of-way of State Highway No. 21 and a corner to Anglin; thence going with said right-of-way S 44 59' 32" W, 62.45 feet to the point of beginning and containing **9.24 acres**, as shown by plat prepared by Charles Mullins Land Surveyors, RLS #2773, dated June 12, 1998, and recorded in **Plat Book 16 at page 182**, in Madison County Clerk's office, Richmond, Kentucky.

## SECTION II

That the Director of Planning and Development make the appropriate changes to the Official Zoning Map of Madison County, Kentucky.

## SECTION III

That the County Clerk cause this ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

Date of First Reading: January 10, 2012

Motion By: Roger Barger

Second By: Larry Combs

VOTE:

YES

NO

Judge, Kent Clark  
Magistrate Larry Combs  
Magistrate Roger Barger  
Magistrate Greg King  
Magistrate Billy Ray Hughes

✓  
✓  
✓  
✓  
✓

Date of Second Reading: January 24, 2012

Motion By: Larry Combs

Second By: Roger Barger

Vote:

YES

NO

Judge, Kent Clark  
Magistrate Larry Combs  
Magistrate Roger Barger  
Magistrate Greg King  
Magistrate Billy Ray Hughes

✓  
✓  
✓  
✓  
✓  
✓

Kent Clark  
Madison County Judge Executive

Attest:

Larry B. Bee  
MADISON COUNTY CLERK