

Home Building Related Information

October 10, 2011

To Whom It May Concern:

In Boone County, non-farm single family residences are not permitted uses in the Agricultural Conservation District, and therefore, the zoning for such uses in the Agricultural Conservation District are very difficult to procure.

Whether a proposed construction is a farm residence depends upon analysis of the fact. Typically, the Boone County State's Attorney investigates the facts and issues an opinion to the Building Department as to whether or not a proposed construction qualifies as a farm residence, which is a permitted use in an Agricultural Conservation District. Such a determination that a proposed residence is a farm residence also historically has been very difficult to procure.

A determination that a tract is a "lot of record" however allows one non-farm residence to be built without the required zoning as long as the proposed construction meets all of the requirements of the Boone County Codes.

"Lots of record" were created as an attempt by the County Board to "grandfather in" existing lots that otherwise would have been available for non-farm single family residences prior to a change in the Zoning Ordinance in 1978.

The "lot of record" determination comes from the Boone County Building and Planning Department and has requirements for maintaining that status. This tract may not be "split" at any time or it loses its status of "lot of record" which would then prohibit any construction of a non-farm single family residence on the tract.

If the property in question cannot qualify as a "lot of record," the Boone County Zoning Ordinance offers one other alternative. On application to and in the discretion of the Boone County Board, any tract 60 acres or more will receive a special use provided that the tract is committed to conservation uses under the Boone County Ordinance.

The owners make no warranty or representation that any tracts may be eligible as "lots of record" or procure a special use for the conservation easement. Any interested party should make their own independent investigation which may include interviews or discussions with the Boone County Planning Department.

DISCLAIMER: The information provided herein is NOT intended, and may NOT be relied upon, as a warranty or representation as to the permitted use of any given parcel or parcels, and the Buyers are responsible for making their own independent verification and investigation of the suitability of any given parcel or parcels for the Buyer's intended use.

K-B Farms / Funderburg Farms Lots of Record

TRACT	
1	Tract 1 is comprised of three "lots of record" (one of which is also a part of Tract 2 and one of which is a part of Tract 13). Any conveyance of Tract 1 by itself would negate any "lots of record" in Tract 2 and Tract 13. However, Tract 1 does have one "lot of record" that is a stand alone, and therefore, if Tract 1 is conveyed as a separate Tract, there is one "lot of record."
2	Tract 2 has a "lot of record" only if it is sold with Tract 1, as the "lot of record" includes both a part of 1 and 2.
3	Tract 3 appears to have its own "lot of record."
4	Tract 4 has a "lot of record."
5	Tract 5 has one area that is a "lot of record." It is a triangular portion on the front part.
6	Tract 6, no "lot of record."
7	Tract 7, no "lot of record."
8	Tract 8 would have to be combined with Tract 11 to comprise a "lot of record."
9 & 10	Neither 9 or 10 are "lots of record" since they already have improvements.
11 & 12	Tracts 12 and 11 would have to be combined to preserve one "lot of record" for 12.
13	No "lot of record."
14	No "lot of record."
15	No "lot of record."
16	"Lot of record."
17	No "lot of record."
18	No "lot of record."

19	If conveyed with Tract 20, a "lot of record."
20	Has its own "lot of record" on the North 40.
21	"Lot of record."
22	No "lot of record."
23	"Lot of record."
24	"Lot of record."
25	No "lot of record."
26.	No "lot of record."
27.	No "lot of record."
28.	"Lot of record."
29.	"Lot of record."
30, 31, 32, 33	No "lot of record."
34	"Lot of record."
35	"Lot of record."
36	No "lot of record."
37	No "lot of record."
38	Yes "lot of record" if combined with 39.
39	Yes "lot of record" if combined with 38
40	Is a "lot of record," but not buildable because lack of frontage, but could be combined with 41.
41	"Lot of record."
42	"Lot of record." No frontage.
43, 44, 45, 46, 47, 48	No "lot of record."