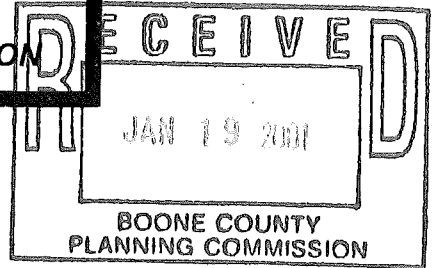


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) 1. X Boone Florence Walton Union
2. Conditional Use Permit X Variance Appeal
3. Applicant's Name ROBERT STANK
4. Description of Request: DRIVEWAY ACCESS AT 1769 ELIJAH CREEK
5. Name of Development Ridge Field Subdivision
6. Location of Development ELIJAH CREEK Hebron
7. Acreage Under Review LESS THAN 1/2 ACRE (.24 Acres)
8. Lot Number and Name of Subdivision
9. Owner of Property 1769 ELIJAH CREEK Rd.
10. Address of Property Owner Hebron Ky 41018
11. Proposed Use(s) on Site RESIDENCES
12. Total Square Footage of Existing and/or Proposed Buildings 1068
13. Current Zoning on Property RESIDENTIAL UR-1
14. Deed Book 796 Page No. 268 Group No. 2010
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature:

Property Owner's Signature:

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 1-19-01 Fee Received \$420.00 RA 26494
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: The Applicant must obtain an encroachment permit from Boone County Public Works
7. Reasons for Denial: _____
- _____
- _____
- _____

2-14-01

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail**

www.boonecountyky.org

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Robert Stahl

LOCATION: 1769 Elijah Creek Road
Boone County, Kentucky

ZONING: Urban Residential One (UR-1)

DATE: February 14, 2001

Proposal

The applicant is requesting a variance for a reduction in the required driveway spacing on a collector road in order to accommodate an eighteen foot (18') access point that has already been constructed. The lot, located at 1769 Elijah Creek Road, is zoned Urban Residential One (UR-1), and contains .24 acres.

The applicant submitted the following exhibits with the application:

Exhibit A – List of adjacent property owners

Exhibit B – Property deed.

Exhibit C – Letter from Robert Stahl.

Exhibit D – Concept plan showing driveway.

Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Article 32, Section 3215 of the Boone County Zoning Regulations regulates the minimum spacing of driveways. This article reads as follows, "*In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto public roadways must be separated by the minimum distance shown in Table 32.1. These minimum spacing requirements may be adjusted slightly to better accommodate minimum sight distance requirements if determined by the Zoning Administrator that such adjustment is necessary to preserve the intent of these regulations.*" Table 32.1 specifies the minimum spacing for collector roadways, with a speed limit of less than 40 mph, as 185 feet.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the

- general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations. In making these findings, the Board shall consider whether:
- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Surrounding Land Uses and Zoning

The property, Lot 10 at 1769 Elijah Creek Road, is located in Ridgefield Subdivision which is zoned Urban Residential One (UR-1). Adjacent single family homes located to the east, south, and west of the home are also zoned UR-1. The property located to the north is zoned Industrial One (I-1) and contains a single family home. A zoning map for the applicant's lot is provided as Exhibit E of the staff report.

Staff Concerns/Comments

1. The lot was developed as part of the Ridgeview Subdivision. In order for the developer to obtain additional building sites the lots were platted and homes were constructed using a shared driveway in order to meet the minimum driveway spacing requirements contained in Article 32, Section 3215 of the Boone County Zoning Regulations. As the design of the shared driveway has failed due to poor design and for numerous other reasons stated in the applicant's letter (attached to this report as Exhibit C), the applicant has requested a variance for a driveway that he constructed in order to gain adequate access to his property. As the speed limit on the collector roadway ranges from 30-35 mph, the variance requested is for a reduction in driveway spacing width from 185' to 70' or a reduction of 115' (62.2%). While the variance would relieve the hardship of the applicant in this specific situation, it is important to note that the Boone County Board of Adjustment and Zoning Appeals would be establishing a precedent of allowing significant departures from the BCZR concerning the spacing of driveways. Establishing a precedent for departures from a regulation of this type has the potential to create major health and safety issues for adjacent uses and motorists if granted on a continual basis (especially in rural areas of the county where developers attempt to utilize existing county roadways to develop lots with minimal infrastructure costs). Furthermore, approval of significant departures from the driveway spacing requirements also has the potential to create new methods of circumventing the county's zoning requirements (and subdivision regulations) as numerous other applicants in similar situations may apply for and obtain approval for access points that were limited in order for a developer to obtain subdivision approval. In short, a developer may design a subdivision

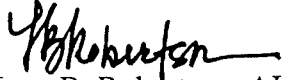
meeting the minimum spacing requirements in order to sell additional lots knowing that those buying the homes can apply for and obtain approval for variances from the minimum driveway spacing requirements. The result being a circumvention of the overall intent of the Boone County Zoning and Subdivision Regulations.

2. It is also important to note that the applicant must obtain an encroachment permit from the Public Works Department.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a driveway spacing variance from 185' feet to 70' feet. It is the staff's opinion that granting the variance, while alleviating the applicant's access problem on an individual basis, will establish a precedent that has the potential to adversely affect the public health, safety or welfare, and increase the potential for encouraging future circumvention of the requirements contained in the zoning regulations (and subdivision regulations). However, should the Board consider approval of the variance, *all* findings contained in Article 2, Section 251 must be made and should specifically address: (1) that the request variance arises from special circumstances which generally do not apply to land in the general vicinity, and (2) strict application of the provisions in the regulation would create an unnecessary hardship on the applicant. In addition, the applicant, should the board approve this request, must obtain an encroachment permit.

Respectfully submitted,



Lara B. Robertson, AICP

Attachments

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E

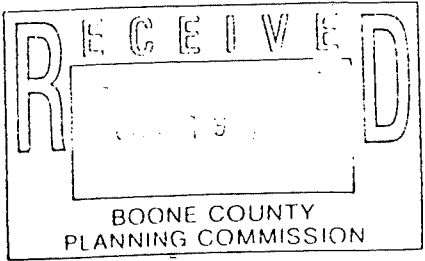
List of neighbors:

William Cothran
1765 Elijah Creek Rd

Thomas Taylor
1773 Elijah Creek Rd

Rodney Davis
1777 Elijah Creek Rd

Unknown
1728 Elijah Creek Rd

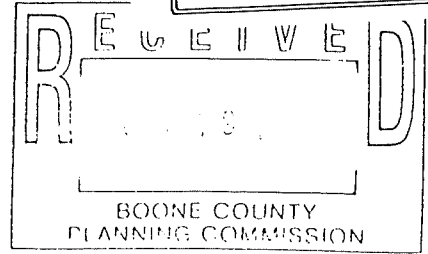


U-10733

Exhibit B

Notary Public, Kentucky State at Large
My Commission Expires February 16, 2001

VINTAGE TITLE AGENCY, INC.
281 BUTTERMILK PIKE
FT. MITCHELL, KY 41017



RETURN TO

QUITCLAIM DEED

Group 3402
Plat 294-A

KNOW ALL MEN BY THESE PRESENTS:

This Quitclaim Deed, made and entered into this 4th day of December, 2000, by and between DELANA S. STAHL, a single person, of 3410 Saigon, Westerville, Ohio 43081, Grantor herein, and ROBERT L. STAHL, a single person, of 1769 Elijah Creek Road, Hebron, Kentucky 41048, Grantee herein.

WITNESSETH:

Whereas the parties hereto who were formerly Husband and Wife, being divorced by a Decree of Dissolution entered on September 18, 2000, 2000 and a Supplemental Decree of Dissolution entered on September 26, 2000 in the Boone Circuit Court at Burlington, Kentucky in the case of: In Re: The Marriage of Robert L. Stahl, Petitioner and Delana S. Stahl, Respondent, Civil Action No.: 00-CI-00605; and

Whereas, in said Civil Action, a written Separation and Property Settlement Agreement was agreed, entered into, and incorporated into the Decree of Dissolution requiring the Wife, Grantor herein, to execute a Quitclaim Deed, quitclaiming her interest in and to the below described real estate for recited consideration, now, therefore;

That for and in consideration of the property division effectuated in the aforesaid dissolution action, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the Grantor, DELANA S. STAHL, does hereby sell, grant, convey and quitclaim unto the Grantee, ROBERT L. STAHL, all of the Grantor's right, title, and interest in and to the following described real estate, located in Boone County, Kentucky, to wit:

Group No.: 3402
Plat Slide: 294-A

Present Street Address: 1769 Elijah Creek Road, Hebron, Kentucky 41048
Mailing Address: 1769 Elijah Creek Road, Hebron, Kentucky 41048

BEING ALL OF LOT 10 OF THE RIDGEFIELD SUBDIVISION, SECTION 1, AS SHOWN ON PLAT NUMBER 294A OF THE BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY.

SUBJECT TO EASEMENTS OF RECORD AND/OR IN EXISTENCE.

BEING THE SAME PROPERTY CONVEYED TO THE GRANTOR AND THE GRANTEE BY FREDERICK A. BURCH AND SANDRA S. BURCH, HUSBAND AND WIFE, BY DEED DATED THE 10TH DAY OF JANUARY, 1997 AND RECORDED IN DEED BOOK 635, PAGE 319 OF THE BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY.

FCV \$ 89,900

BOONE COUNTY
D796 PG 268

COMMONWEALTH OF KENTUCKY
COUNTY OF Boone

The foregoing consideration certificate was sworn to before me, a Notary Public,
by ROBERT L. STAHL, a single person, Grantee herein, to be his free act and deed this
the 1st day of December, 2000.

Aisa M. Davis
NOTARY PUBLIC
My Commission Expires: 01-22-03

THIS INSTRUMENT PREPARED BY:

Gregory W. McDowell/land
GREGORY W. McDOWELL
Attorney at Law
7415 Burlington Pike, Suite B
Florence, KY 41042
(606) 371-0730
NO TITLE EXAMINATION PERFORMED

Clerk's Certificate of Lodgment and Record

COMMONWEALTH OF KENTUCKY
BOONE COUNTY

I, Marilyn Rouse, Clerk of the County Court for the County and State aforesaid,
certify that the foregoing Deed was on the _____ day of _____,
19_____, at _____ O'clock _____ M., lodged for record,
whereupon the same, with the foregoing and this certificate have been duly recorded in
my office in Deed Book _____, Page _____.

Given under my hand this the _____ day of _____, 2000.

MARILYN ROUSE, CLERK
By: _____ D.C.

DOCUMENT NO: 46264
RECORDED ON: JANUARY 11, 2001 01:22:34PM
TOTAL FEES: \$12.00
GROUP : 3482
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: DONNA

BOOK D796 PAGES 268 - 270

BOONE COUNTY
D796 PG 270

RECEIVED

1997 JUN 13 P 1 09

BOOK 635 PAGE 319

JERRY W. ROUSE
BOONE COUNTY CLERK

DEED

PROPERTY TRANSFER TAX PAID \$ 90.00
JERRY W. ROUSE, CLERK *[Signature]*

20.000

KNOW ALL MEN BY THESE PRESENTS:

That GUY D. REINERT and LEISA REINERT, Husband and Wife, and
FREDERICK A. BURCH and SANDRA S. BURCH, Husband and Wife

for and in consideration of -- \$89,900.00 -- and other good and
valuable considerations to them paid by the Grantees herein, the
receipt of which is hereby acknowledged, do bargain, sell and
convey to:

ROBERT L. STAHL and DELANA S. STAHL, Husband and Wife, for
and during their joint and natural lives with the remainder
in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described real estate,
in the County of Boone and Commonwealth of Kentucky, to-wit:

GROUP NUMBER: 3402
PLAT SLIDE: 294-A

Present Street Address 1769 Elijah Creek Rd., Hebron, KY 41048
Mailing Address _____

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Being the same property conveyed to GUY D. REINERT and
FREDERICK A. BURCH, Grantors herein, by BERMEC CORPORATION, a
Kentucky Corporation, by Deed dated July 18, 1995 and
recorded in Deed Book 582, Page 239 of the Boone County
Clerk's records at Burlington, Kentucky.

RETURN TO: *Adams brooking*

(2)

RECEIVED
JAN 19 2001
BOONE COUNTY
PLANNING COMMISSION

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said

ROBERT L. STAHL and DELANA S. STAHL, Husband and Wife, for and during their joint and natural lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the Grantors, their heirs, executors and administrators, HEREBY COVENANTING with the Grantees, their heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantors, GUY D. REINERT and LEISA REINERT, Husband and Wife, and FREDERICK A. BURCH and SANDRA S. BURCH, Husband and Wife

hereunto set their hands, this 10 day of January, 1997

Guy D. Reinert
GUY D. REINERT

Leisa Reinert
LEISA REINERT

Frederick A. Burch
FREDERICK A. BURCH

Sandra S. Burch
SANDRA S. BURCH

STATE OF KENTUCKY
COUNTY OF BOONE

The foregoing instrument was acknowledged before me this 10 day of January, 1997 by GUY D. REINERT and LEISA REINERT, Husband and Wife.

Quinn Warden
NOTARY PUBLIC
COMM: EXPIRES: 5/6/98

STATE OF KENTUCKY
COUNTY OF BOONE

The foregoing instrument was acknowledged before me this
2 day of January, 1997 by FREDERICK A. BURCH.

Dee W. W. W.
NOTARY PUBLIC
COMM. EXPIRES: 5/1/98

STATE OF KENTUCKY
COUNTY OF BOONE

The foregoing instrument was acknowledged before me this
2 day of January, 1997 by SANDRA S. BURCH.

Dee W. W. W.
NOTARY PUBLIC
COMM. EXPIRES: 5/1/98

CERTIFICATION

We, GUY D. REINERT and LEISA REINERT, Husband and Wife, at the address of 1645 Grandview Dr. HEbron, Ky. 40013

and FREDERICK A. BURCH and SANDRA S. BURCH, Husband and Wife, at the address of 10131 Ashcroft Dr. HEbron, Ky. 40013

Grantors herein, and ROBERT L. STAHL and DELANA S. STAHL, Husband and Wife, Grantees herein, at the address of 1769 Elitan Creek Rd. HEbron, Ky. 40018

do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$89,900.00 is the true, correct and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

Guy D. Reinert
GUY D. REINERT
(GRANTOR)

Leisa Reinert
LEISA REINERT
(GRANTOR)

Frederick A. Burch
FREDERICK A. BURCH
(GRANTOR)

Sandra S. Burch
SANDRA S. BURCH
(GRANTOR)

Robert L. Stahl
ROBERT L. STAHL
(GRANTEE)

Delana S. Stahl
DELANA S. STAHL
(GRANTEE)

STATE OF KENTUCKY)
) SS
COUNTY OF BOONE)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this 10 day of January, 1997 by GUY D. REINERT and LEISA REINERT, Husband and Wife.

Debra Weadon
NOTARY PUBLIC
COMM. EXPIRES: 5/6/98

STATE OF KENTUCKY)
) SS
COUNTY OF BOONE)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this 2 day of January, 1997 by FREDERICK A. BURCH.

Debra Weadon
NOTARY PUBLIC
COMM. EXPIRES: 5/6/98

STATE OF KENTUCKY)
) SS
COUNTY OF BOONE)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this 2 day of January, 1997 by SANDRA S. BURCH.

Debra Weadon
NOTARY PUBLIC
COMM. EXPIRES: 5/6/98

STATE OF KENTUCKY

COUNTY OF BOONE

)
) SS:
)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this 10 day of January, 1997 by ROBERT L. STAHL and DELANA S. STAHL, Husband and Wife.

Phyllis Watson
NOTARY PUBLIC
COMM. EXPIRES: 8-11-97

PHYLLIS WATSON
Notary Public Kentucky Class A Large
My Commission Expires Aug 11, 1997

This Instrument Prepared By:

Robert D. Dilts

ROBERT D. DILTS
Attorney-at-Law
8100 Burlington Pike
P.O. Box 576
Florence, Kentucky 41042
(606) 371-6220
(F/1:STAHL-RO.DER)

BOOK 635 PAGE 325

EXHIBIT "A"

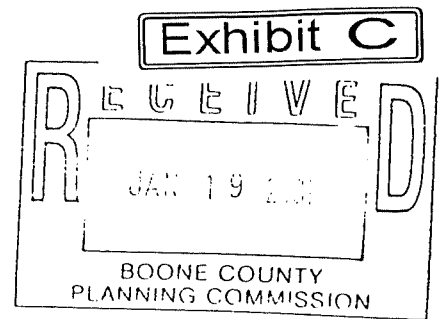
GROUP NUMBER: 3402
PLAT: 294A

BEING ALL OF LOT 10 OF THE RIDGEFIELD SUBDIVISION, SECTION 1, AS
SHOWN ON PLAT NUMBER 294A OF THE BOONE COUNTY CLERK'S RECORDS AT
BURLINGTON, KENTUCKY.

SUBJECT TO EASEMENTS OF RECORD AND/OR IN EXISTENCE.

State of Kentucky, County of Boone
JERRY W. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Deed was, on the 13 day of Jan
1927 at 12:09 P.M. in my office
for Boone, and that it has been duly recorded in
my said office, together with this and the
certificate thereon enclosed.
Given under my hand this 13 day of Jan
1927
JERRY W. ROUSE, CLERK
By Jerry Rouse D.C.

Bob Stahl
1769 Elijah Creek Rd
Hebron, Ky 41048
859-586-1482



Thursday, January 18, 2001

Boone County Planning Commission

Re: Proposal of new access.

I am submitting an application to change the zoning and add a new driveway access to Elijah Creek Rd from my property. The current driveway as it is shared by two other homes is extremely difficult to access Elijah Creek Rd from my property and at times has been extremely dangerous and unsafe. What I am proposing will provide safe unobstructed access to and from Elijah Creek Rd for guest and neighbors without causing any changes to the structure and safety of the public road. With the current approved driveway access it has become clear there is just not enough room to park and share the driveway with the other neighbors many times the drive is blocked by guest or neighbors have to park in the drive because of special circumstances. I don't mind these problems when they are the exceptions but they have always been the normal way of life here.

Thank you,

Bob Stahl

Reasons for new access:

1. Access to the road is extremely difficult.
 - 1.1. The existing access supports three homes. This is the only access on Elijah Creek that is constructed like this.
 - 1.2. Each home has two adult drivers with two vehicles minimum.
 - 1.3. The two homes adjoin to the driveway have one teenager able to drive with friends that do drive.
 - 1.4. Currently one house has 5 vehicles and 1 trailer. Many times there can be as many as 10 vehicles parked in and around the share driveway.
 - 1.5. The other home has two vehicles occasionally on the weekends there is a Semi parked in the driveway. With friends and family I have seen as many as 6 - 7 cars parked in their yard and driveway. All of which can block the view to Elijah Creek when backing out.

- 1.6. Many times during the week and at anytime during the day the driveway is blocked by either neighbors or guest vehicle. I have worked with the neighbors on keeping this area clear, but only so much can be done.
 - 1.7. During the winter this becomes a serious issue with the way the driveways are sloped and constructed.
2. Dangerous.
- 2.1. Most guests are required to back out of the driveway do to the lack of space to turn around. Even with having only two vehicles parked in my driveway you have to back out.
 - 2.2. With small front yards and no parking space for guest. When either neighbor has guest over it makes it extremely difficult to see out to the road and maneuvering between vehicle, which at times are blocking the driveway. This is a very common occurrence. This happens almost daily at different times of the day.
 - 2.3. Most people are not skilled at navigating long distance in reverse. Every guest has made comments regarding the access. There just is not enough room to navigate whether turning around or backing out. Last week I watch someone take over 15mins to leave at two different points coming within inches of hitting the basketball post that is currently at the edge of the driveway.
 - 2.4. Children playing in the driveway area and at times are not paying attention or not willing to allow access to the lot.
 - 2.5. There have been several time's in the last few years where I have seen or almost been involve in dangerous accidents on Elijah Creek with other vehicles or pedestrians using the roadway for a sidewalk (popping out from behind a parked cars close to the road).
3. Property Damage.
- 3.1. Because of the lack of space for parking this has caused personal property damages on several occasions.
 - 3.1.1. Damage to the yards, homes or vehicles either from people becoming impatient or unable to maneuver.
 - 3.2. Many people become frustrated and drive through the ditch to gain access to the road. Again I think this would be more of a safety issue than having the access.

ELIJAH CREEK RD

75'
TO NEXT
ACCESS

30' 70' 18'

EXISTING
ACCESS

PROPOSED
ACCESS

10'

DRIVE
WAY
ACCESS

1777

1773

1769

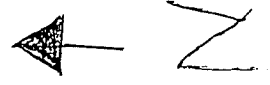


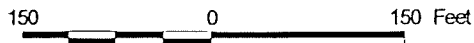
Exhibit D

RECEIVED
JAN 19 2001

BOONE COUNTY
PLANNING COMMISSION



**Elijah Creek Rd./Ridgefield Dr.
Zoning Map**



1 inch equals 150 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 7, 2001



COPY

CLUR #01-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Robert Stahl
1769 Elijah Creek Road
Hebron, KY 41048

2. ADDRESS OF PROPERTY

1769 Elijah Creek Road
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Ridgefield

4. DEED BOOK 796

PAGE NO. 268

GROUP NO. 2010

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

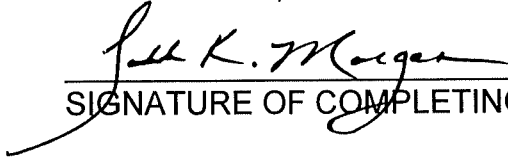
Subdivision Plat
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

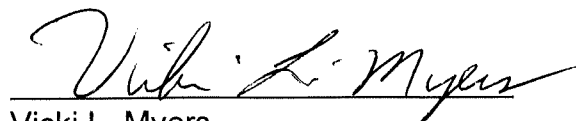

SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

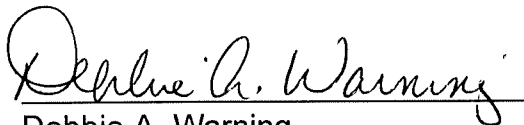
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of
the Boone County Planning Commission this 27 day of February, 2001.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 14, 2001 Certificate of Land Use Restriction (#01-BCBOA-009-A), for Robert Stahl, Property Owner(s).

The following conditions will apply:

1. The applicant must obtain an Encroachment Permit.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 796

PAGE NO. 268

GROUP NO. 2010