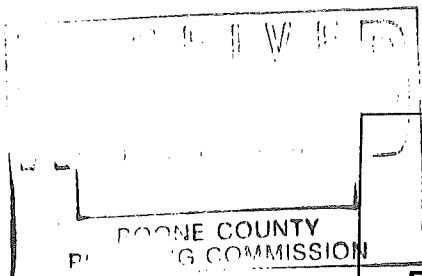
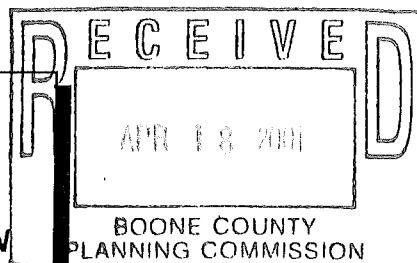


01-BCBA-016-A

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)

- 1. (Check One) [X] Boone [ ] Florence [ ] Walton [ ] Union
2. (Check One) [X] Conditional Use Permit [ ] Variance [ ] Appeal
3. Applicant's Name POTTER'S RANCH, Phone Number 859-586-5475, Fax No. 859-586-8636, Applicant's Address 11500 VICTORY SCHOOL HOUSE RD, UNION KY 41091
4. Description of Request: CLARIFY THE 300 GUEST GUIDELINE
5. Name of Development POTTER'S RANCH
6. Location of Development VICTORY SCHOOL HOUSE RD AND HWY 338
7. Acreage Under Review 380
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property ROBERT J. LIGHTNER, Phone Number of Owner (859) 586-5475, Address of Property Owner UNION KY 41091
10. Proposed Use(s) on Site SEE ATTACHED LETTER
11. Total Square Footage of Existing and/or Proposed Buildings N/A
12. Current Zoning on Property A-1 AND A SMALL PORTION OF RECREATION
13. Deed Book 334, Page No. 57, Group No. 2060
14. Is the site subject to a zone change? NO
15. If yes, give date of approval
16. Have you submitted a Site Plan with this request? N/A
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: Tom Withers

Property Owner's Signature: Robert J. Lightner

**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 4-18-01 Fee Received \$554.00 R# 37448
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:

- 6-13-01  **Approved**  
 **Approved with Conditions** (See #6)  
 **Denial** (See #7)

6. Conditions of Approval:  The board amended the CUP to allow Potter's Ranch 1) A unlimited number of events with up to 600 guests, 2) Allow seven (7) events annually with up to 1000 guests, and 3) Allow two (2) events annually with up to 2000 guests.
7. \_\_\_\_\_

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**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](http://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: Tom Withorn

LOCATION: 11500 Victory School House Road  
Boone County, Kentucky

ZONING: Agriculture (A-1) and Recreation (R)

DATE: May 9, 2001

### Proposal

The applicant is requesting a Conditional Use Permit for Potter's Ranch in order to amend a condition of approval for their original Conditional Use Permit application granted by the Boone County Board of Adjustment on July 22, 1992 which stated, "That no more than 300 people shall be in attendance at special meetings with the exception being the grand opening and dedications." The 385.35 acre site is located at 11500 Victory School House Road and is zoned Agriculture (A-1) and Recreation (R).

On March 14, 2001 the Boone County Board of Adjustment granted approval for the construction of an outdoor amphitheater, four (4) additional camper cabins, one (1) settler's log cabin, and a Welcome Center with the conditions that: 1) a Site Plan depicting appropriate access, buffer yards, landscaping, parking and signage, etc. be reviewed and approved by Staff, 2) all permanent structures be constructed beyond the 100-year elevation of Gunpowder Creek, 3) all cemeteries on the property be preserved and maintained in accordance with Article 31, Section 3166 of the Boone County Zoning Regulations. In addition, the Board clarified that the conditions of approval attached to the original conditional use permit remain in full force and affect.

It is important to note that Potter's Ranch was originally approved as a conditional use. The first hearing on the proposed use occurred on June 10, 1992 and ended with the Board deferring taking action until it had an opportunity to view the site. The application then came before the Board for the second time on July 22, 1992 and was approved at the meeting with eight conditions. A copy of the staff report and conditions of approval are attached to this report as Exhibits E and F. After approval, the neighboring citizens filed an appeal in Boone County Circuit Court stating that the Board's action was arbitrary and unsupported. On December 23, 1992, Honorable Joseph Bamberger, Boone County Circuit Court, overturned this decision and declared the conditional use permit issued by the Boone County Board of Adjustment to be null and void as the proposed use more closely fit the definition of an "institutional use". However, on July 22, 1994 the Commonwealth of Kentucky Court of Appeals reversed the lower court's ruling stating that "the circuit court incorrectly substituted its opinion for the board's opinion".

The applicant submitted Exhibits A, B, and C as part of the application.

Exhibit A - List of adjacent property owners.

Exhibit B - Property deed.

Exhibit C - Letter from Robert J. Lightner, Founder and Chairman of Potter's Ranch

### Applicable Regulations

Article 6, Section 613 of the Boone County Zoning Regulations permits, "*Camping, picnicking, hiking areas, trails, and other recreational uses*" and "*Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts*" as conditional uses within Agriculture (A-1) district. These conditional uses require Site Plan Review.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 613 of the Boone County Zoning Regulations:

#### Findings listed in Section 262:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

#### Findings listed in 613:

- a. The activity is an integral part of the agricultural or residential use of the land, and the activity is not of scale, nature, or other character which will detract or conflict with the principal purposes of the district; or
- b. The activity is necessary to provide the specified public service for residents of the district so long as the service area, use, scale, or other character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and
- c. Provided the arrangement of use, building, or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

## Surrounding Land Uses and Zoning

Potter's Ranch is located in rural western Boone County and is surrounded by properties that are zoned Agriculture (A-1). Adjacent properties are used residentially and agriculturally. A small portion of the site is also zoned Recreation (R); However, proposed improvements are located on the Agriculture (A-1) portions of the site.

## Staff Concerns/Comments

1. The applicant, in a letter dated March 15, 2001 (Exhibit D), wrote Kevin Wall requesting clarification of the 300 guest limit which was a condition of approval for the original conditional use permit application approved on July 22, 1992. Condition #7 states, *"That no more than 300 people shall be in attendance at special meetings with the exception being the grand opening and dedications"*. In this letter the applicant states that the typical group size is 30 but that there are exceptions which may facilitate an event where over 300 people are in attendance. Events that can exceed 300 guests are listed as 1) Anniversary events sponsored by Potter's Ranch, 2) Special events sponsored by our guests, and 3) Special praise and worship gatherings sponsored by Potter's Ranch and their guests. The applicant states that these type of events occur three (3) to five (5) times per year. In response to the applicant's letter, Kevin Wall, Zoning Administrator, recommends that the applicant file another CUP in order to amend this original condition of approval. Mr. Wall also suggests that the applicant clearly outline all of the various types of events that could occur and include realistic attendance estimates. In a letter dated April 17, 2001 (Exhibit C), the applicant further clarifies the types of events which could exceed the 300 person condition of approval. These events are as follows: weddings, receptions, anniversaries, church events, concerts, and multiple group events held the same day. However, the letter does not give estimates of the number of persons that typically attend these types of events making it difficult for the Board to determine whether these events have the potential to significantly impact the surrounding rural community or to attach reasonable conditions of approval to the applicant's request.

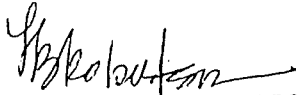
## Conclusion

KRS 100.237 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to amend the conditions of approval for the applicant's original Conditional Use Permit in order to allow attendance of special events to exceed 300 persons if the findings listed in Article 2, Section 262 and Article 6, Section 613 can be made by the Board.

It is the staff's opinion that generation of excessive traffic on a regular basis in this rural area has the potential, if permitted without limitation, to detrimentally affect adjacent property owners and the character of the area. Therefore, should the board consider approval of this request, it is recommended that the following conditions of approval apply:

1. The Board should establish a "not to exceed" limit for the number of persons attending these events based on information that the applicant provides at the public hearing.
2. The number of times per year that these events occur should also be limited to five (5) in order to discourage the regular occurrence of large influxes of traffic in this rural area.

Respectfully submitted,



Lara B. Robertson, AICP

Attachments

Exhibit A - List of adjacent property owners.

Exhibit B - Property deed.

Exhibit C - March 15, 2001 Letter from Mark P. Truebenbach, General Manger of Potter's Ranch

Exhibit D - March 19, 2001 Letter from Kevin T. Wall, Boone County Zoning Administrator

Exhibit E - April 17, 2001 Letter from Robert J. Lightner, Founder and Chairman of Potter's Ranch

Exhibit F - Site Vicinity and Zoning Map

## ADJOINING NEIGHBORS TO POTTER'S RANCH NAMES AND ADDRESSES

FAMILY	ADDRESS
RON ALLEN	11517 VICTORY SCHOOL HOUSE RD. UNION, KY. 41091
HERMAN ALLEN	11495 VICTORY SCHOOL HOUSE RD. UNION, KY. 41091
ROBERT MICHAELS	5601 RABBIT HASH ROAD UNION, KY. 41091
DALE WILLIAMSON	5353 RABBIT HASH ROAD UNION, KY. 41091
ROBERT FLAIG	3531 HATHAWAY ROAD UNION, KY. 41091
TIM BAYNUM	4649 RABBIT HASH ROAD UNION, KY. 41091
ETHEL PALMER	2124 SAND RUN ROAD HEBRON, KY. 41048
VINCENT & BETTIE RYLE	5613 RABBIT HASH ROAD UNION, KY. 41091
VINCENT & CATHY BOWMAN	11252 VICTORY SCHOOL HOUSE RD. UNION, KY. 41091
CHRISTOPHER ARRASMITH	10467 RIDDLES RUN ROAD UNION, KY. 41091
BERTHA ARRASMITH	10485 RIDDLES RUN ROAD UNION, KY. 41091
DON & NANCY ARLINGHOUSE	10665 RIDDLES RUN ROAD UNION, KY. 41091
NEAL HEILEMAN	10669 RIDDLES RUN ROAD UNOIN, KY. 41091
THOMAS KENNEDY	10899 RIDDLES RUN ROAD UNION, KY. 41091
RICK JACKSON	11199 RIDDLES RUN ROAD UNION, KY. 41091
JUANITA BUNGER	11301 RIDDLES RUN ROAD UNION, KY. 41091
HAROLD LOVE	5194 BEAVER ROAD UNION, KY. 41091
RAINBOH FARM INC	865 RICHWOOD ROAD WALTON, KY. 41094

Property Transfer Tax Paid \$ 180.00  
Amy W. Kause, Clerk AC D.C.

THIS DEED OF CONVEYANCE made and entered this the 12<sup>th</sup> day of August, 1985 by and between MINNIE LILLIAN ACREE (A/K/A LILLIAN ACREE), an unmarried widow, of 155 South Main Street, Walton, Kentucky 41094, party of the first part and BERNARD J. VASKE and EVELYN L. VASKE, husband and wife, of Route 2, Box 484, Walton, Kentucky 41094 and TIMOTHY GRIPSHOVER, single of 10260 Big Bone Rd. Walton, Ky 41091, parties of the second part;

WITNESSETH: Party of the first part for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, does hereby sell, transfer and convey a one-half (1/2) undivided interest in and to the following described property to BERNARD J. VASKE and EVELYN L. VASKE, husband and wife, jointly for and during their joint lives and upon the death of one to the survivor in fee simple; and does hereby sell, transfer and convey a one-half (1/2) undivided interest in and to the following described property to TIMOTHY GRIPSHOVER, his heirs and assigns forever, to-wit:

Group No. 2060

TRACT NO. 1: On the waters of Gunpowder Creek and described thus: Beginning at a stone, corner to Lot No. 4 in a line of Lot No. 11; thence S 81 1/4 E 40.8 poles to another corner of Lot No. 4; thence same course 4.6 poles to a stone; thence same course 101 poles to a stone on the bank of Gunpowder Creek; thence up said creek N 12 1/2 East 6.75 poles; thence N 66 1/4 East 31.25 poles to a stone on the West edge of said creek;; thence N 81 1/4 W 153.8 poles to a Hickory Tree near an Elm; thence N 83 W 21.2 poles to a stone, a corner of Lot No. 11; thence with a line of same S 3 E 23.4 poles to a stone, to the place of beginning, containing 22.6 acres, more or less. It being Lot No. 5 in the division of lands of David Ryle, deceased.

TRACT NO. 2: On the waters of Gunpowder Creek and described thus: Beginning at a stone in a line of Lot No. 5, thence S 12 3/4 W 12.84 poles to a stone, a corner of Lot No. 7, thence S 76 1/2 E 100 2/3 poles to a stone on the side of the creek; thence N 12 3/4 E 20.75 poles to a stone, a corner of Lot No. 5, thence with a line of same N 81 1/4 W 101 poles to a stone,

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J. VEYOR

FOR LAND USE RESTRICTION SEE MISC. BK 360 PG 176  
" " " " 632 " 265

thence same course 4.6 poles to a stone at the beginning, containing 10.6 acres, and being Lot No. 6 in the division of lands of David Ryle, deceased.

There is excepted out of the above boundary a small parcel of land sold by \_\_\_\_\_ to Victoria Stephens by deed of record in Deed Book No. 43, at page 313 bounded thus: Beginning at a stone on a high hill, a corner of Lots Nos. 6 and 7 in the aforesaid division; thence with a line of Filmore Ryle's lot N 13 E 8.75 poles to a stone in said line; thence S 76 E 101 poles to a corner in Gunpowder Creek; 3 poles from a stone on the west side, thence down the creek S 13 W 8.75 poles to a corner between Lots Nos. 6 and 7 aforesaid, in the creek, the same witnessed by a Maple tree on the west side of a drain; thence with the line between Lots Nos. 6 and 7 N 76 W 101 poles to the place of beginning containing 5 acres and 2 rods.

TRACT NO. 3; Beginning at a Walnut tree, a corner with Babe Ryle and Lot No. 3; thence with a line of Lot No. 3 N 6 1/2 E 20.86 chains to a stone on corner with Lot No. 5, thence with a line thereof S 85 E 33.68 chains to a stone, another corner of Lot No. 5, on Gunpowder Creek; thence down the creek S 22 1/2 W 3.29 chains, S 9 1/2 E 6.06 chains, S 15 W 5.65 chains, S 39 1/2 W 4.86 chains, S 6 W 2.01 chains, S 6 3/4 E 3.56 chains to the upper corner of Babe Ryle Tract of land; thence with his line N 79 1/4 W 31.89 chains to the beginning, being Lot No. 4 in the division of the lands of T. C. Ryle containing 74.08 acres.

There is reserved for this lot a passway 16 feet wide, beginning at a stone a corner with Lots. Nos. 4 and 5 in a line of Lot No. 2; thence over Lot No. 2 N 51 1/4 W 229 feet, N 7 1/2 E 262 feet, N 16 1/2 W 272 feet, N 27 E 456 feet passing through a gate to the Union and Rising Sun Graded Road.

There is excepted out about one-half acre heretofore sold for a graveyard.

TRACT NO. 4; On the waters of Gunpowder Creek and bounded thus: Beginning at the corner of the School House tract where the line of Milton Kirtley's Heirs and a line of Frank Craig, S 76 E 164 poles to a stake on the west side of Gunpowder Creek, a corner of said

RECORDED IN DEED BOOK 334 PAGE 58

Craig; thence up the Creek N 17 1/2 E 33 poles to a stake at an angle of the creek on the North side; thence up the creek S 65 E 40 poles to a stake on the South Bank; thence N 5 1/4 W 37 poles to a stone on said creek, an old corner on Minerva Ryle's Dower, thence N 5 3/4 W 24.44 poles to a stone, a corner to Lot No. 9 in the division of lands of David Ryle, Deceased; thence with a line of said Lot No. 9 76 1/2 W 106.8 poles to a stone in a line of Lot No. 1 of said division, a corner of said Lot No. 9; thence with the line of Lots Nos. 9, 8, 7 and 6 of said division, N 20 1/2 E 35.6 poles, N 12 3/4 E 33.3 poles to a stone, a corner of Lot No. 6 in the line of Lot No. 5, thence with a line of said Lot No. 5, 81 1/2 W 40.8 poles to a stone in a line of Lot No. 11, thence with a line of said Lot No. 11, S 3 E 7.35 poles to a corner of Lot No. 11; thence with the line of Lots Nos. 11 and 12, N 83 W 23 poles to a stone in a line of Lot No. 3 and a corner of Lot No. 12; thence with a line of Lot No. 3, 28 1/4 W 4.68 poles to a stone, a corner of Lot No. 3, thence with another line of Lot No. 3, N 47 1/2 W 13.7 poles to a black Locust tree; thence N 44 1/2 W 29 4/5 poles to a corner to Lot No. 3, also a corner of Walter Ryle's Heirs and Ben C. Stephens; thence with a line of said Ben C. Stephens, S 49 W 39 poles to a stone in said Stephens line a corner of Boone Williamson; thence with a line of Williamson, S 49 E 77 4/5 poles to a stone a corner of Boone Williamson on Fuqua Branch, below a Black Locust tree; thence with the lines of said Williamson, down Fuqua Branch, S 36 W 20 poles, S 10 W 22 poles, S 72 W 10 2/5 poles to the beginning containing One Hundred Thirty and four-tenths (130.4) acres.

There is excepted therefrom a graveyard lot 36 feet long and 22 feet wide containing three (3) square poles.

There is excepted therefrom a tract of land consisting of Twenty (20) acres, heretofore conveyed to Leonard S. Riggs and wife, Beulah Riggs, by deed dated March 16th, 1944 and recorded in Deed Book No. 81, Page 506 in County Court Clerk's Records at Burlington, Kentucky.

There is reserved for the use of the Graveyard lot a passway 10 feet wide from said graveyard to the

present road between the House and Barn to be used as a passway of ingress and egress for the graveyard, and said right of way must not be withheld nor interfered with but shall always be open to anyone who wishes to go to or from the graveyard lot.

TRACT NO. 5: Beginning at the southwest corner of said Lot No. 8, which is the center of the road, thence S  $76 \frac{1}{4}$  102.8 poles to a stone at the creek; thence up the creek, N  $12 \frac{1}{2}$  E 35.6 poles to the corner of Lots Nos. 6 and 7 in said subdivision witnessed by a Maple Tree on the West side of a drain; thence continuing up the creek N 13 E 8.75 poles, thence N  $76 \frac{1}{2}$  W 101 poles to a stone, passing on the west side of an Elm tree near the creek and on the west side of a small Mulberry tree on the hillside near a barn; thence S 13 W 8.75 poles to a stone on the hill a corner of Lots No. 6 and 7; thence S  $12 \frac{3}{4}$  W 7.8 poles to a stone at the corner of Lots 7 and 8; thence S  $20 \frac{1}{2}$  W 18 poles to the beginning, containing Twenty Eight (28) acres.

TRACT NO. 6: Beginning at a stone in a line of Lot No. 2 a corner of Lot No. 8; thence S  $20 \frac{1}{2}$  W 17.6 poles to a stone a corner of Lot No. 10; thence with a line of same S  $76 \frac{1}{4}$  E 106.8 poles to a stone a corner of Lot No. 10; thence up the creek N  $5 \frac{3}{7}$  W 5.56 poles to a stone; N  $12 \frac{1}{2}$  E 12.2 poles to a stone; thence N  $76 \frac{1}{2}$  W 102.8 poles to the beginning, containing Eleven ( $11 \frac{1}{3}$ ) one-third acres.

TRACT NO. 7: Beginning at a fence post a corner with Pete Hager's heirs; thence with the lines of same N  $85 \frac{1}{2}$  degrees W 5.92 chains to a fence post; thence S  $12 \frac{3}{4}$  degrees W 8.36 chains to a fence post a corner with Melvin Moore; thence with his line N 88 degrees W 14.79 chains to a stone a corner with John Acra; thence with his line N 14 degrees E 42.90 chains to a fence post in a line of Mrs. Dillin; thence with her line S  $76 \frac{1}{2}$  degrees E 22.63 chains to the center of Gunpowder Creek; thence with the center of said creek S 1 degrees E 11.26 chains; S  $26 \frac{1}{4}$  degrees E 2.06 chains; S  $22 \frac{1}{4}$  deg. E 4 chains; S  $5 \frac{1}{2}$  degrees E 2.69 chains; thence S  $18 \frac{1}{4}$  degrees W 12 chains to a stake a corner with said Hager heirs; thence with the lines thereof S

88 1/2 degrees W 9.42 chains to a fence post; thence N 1 1/2 degrees W 2.12 chains to the beginning containing 101.32 acres more or less.

Also the following tract of land in Boone County, lying and being on the waters of Gunpowder Creek; beginning at a stone in the center of the Big Bone Lick and Rising Sun Ferry Road, fifteen feet north of the hedge on the south side of said road in a line of C. C. Craig; thence N 12 1/2 E \_\_\_\_\_ poles to a stone on the north side of a branch in C. C. Craig's line a corner with Emanuel Hager; thence with said Hager's line S 82 E 33 1/5 poles to a gate post; thence S 1 W 54 7/10 poles to a Hickory tree; thence S 20 W 51 3/10 poles to a stone on the aforesaid road; thence along the center of said road to the beginning, containing about 24 3/4 acres more or less.

TRACT NO. 8; Located generally one mile north west of the Hamilton School and a half mile north of Ky. Rural Highway 338 and is described particularly thus: Beginning at a point 30 feet south of a barn the north west corner of the parent tract; thence S 11 W 819 feet to a point; thence S 83 E 577 feet to a stake; thence N 8-12 E 289.8 feet to a stake; thence N 9 W 436.7 feet to an original corner of the parent tract; thence N 4 W 140. feet to a point; thence N 87-30 W 380 feet to the beginning, containing 9.6 acres.

The foregoing tracts less the foregoing exceptions constitute 1 parcel of land bounded on the north by the lands of Ryle, Newland (Remke) (Schmidt) and on the east by Gunpowder Creek and the lands of Love, on the South by the lands of Boh, and on the west by the lands of Boh and the lands of Herman Allen and the right of way of an old county road (Victory Hollow School Road).

This being the same property conveyed to John C. Acree and Minnie Lillian Acree, his wife, as tenants by the entirety by three certain deeds: one from Susan Clifford, widow, dated January 19, 1953 recorded in Deed Book 106, page 182 and one from William R. Walton and Samuel Bluford Walton, dated February 21, 1953 and recorded in Deed Book 106, page 264 and one from Harold C. Love and Alberta Love, his wife, dated April 20th,

1956 and recorded in Deed Book 143, page 137, all in the office of the Boone County Court Clerk.

Excepting and reserving from the above described parcel: a tract or parcel of land located in Boone County, Kentucky lying on the east side of Victory Schoolhouse Road approximately 0.5 mile south of Kentucky Highway No. 536 and is more particularly described as follows:

Beginning at an iron pin at the base of a post on the northeast side of the Victory Schoolhouse Road at the point of intersection of the tangents of a curve in said road and in the south line of Herman Ryle, et al. (Deed Book 73, page 459) thence with the south line of Ryle S 81° 14' 17" E 756.54 feet to an iron pin, thence with a new division of Minnie Lillian Acree's property the following six calls: S 7° 03' 36" W 312.71 feet to an iron pin, thence S 18° 05' 13" W 199.10 feet to an iron pin, thence S 84° 53' 20" W 190.85 feet to an iron pin, thence S 34° 13' 07" W 207.05 feet to an iron pin, thence S 79° 43' 14" W 365.10 feet to an iron pin, thence S 87° 07' 21" W passing an iron pin at 329.00 feet, a total distance of 344.00 feet to an iron pin in the centerline of the Victory Schoolhouse Road, thence with the centerline of said road the following seven calls: N 13° 51' 08" E 128.82 feet to a spike, thence N 36° 13' 15" E 76.73 feet to a point; thence N 77° 44' 52" E 134.60 feet to a point, thence N 57° 00' 59" E 97.30 feet to a point; thence N 36° 04' 06" E 157.25 feet to a point, thence N 14° 01' 53" E 68.75 feet to an iron pin, thence N 4° 57' 30" W 424.75 feet to the point of beginning containing 12.647 acres and subject to the legal right of way of Victory Schoolhouse Road and all easements of record.

The aforesaid exception of 12.647 acres being the same lands conveyed by Lillian Acree to Richard G. Lohr and Patricia Louise Lohr by deed dated the 12 day of Aug, 1985 and recorded in Deed Book 334, page 52, Boone County Clerk's office.

John C. Acree and J. C. Acree are one and the same person and Minnie Lillian Acree and Lillian Acree are one and the same person.

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John C. Acree departed this life on the 16th day of March, 1960.

The above described parcel is conveyed subject to all zoning and subdivision regulations of the Boone Fiscal Court and the Planning and Zoning Commission of Boone County and to all visible and recorded easements.

TO HAVE AND TO HOLD the above described property, together with all appurtenances, thereto belonging a one-half (1/2) undivided interest unto BERNARD J. VASKE and EVELYN L. VASKE, husband and wife, jointly for and during their joint lives and upon the death of one to the survivor, in fee simple; and a one half (1/2) undivided interest unto TIMOTHY GRIPSOHOVER, single, his heirs and assigns forever. Party of the first part does hereby warrant generally the title as to all events occurring before the 4th day of May, 1978 and does further warrant with covenant of special warranty as to all events occurring subsequent to the 4th day of May, 1978.

The total cash sale price of the lands described herein is \$180,000.00.

IN WITNESS whereof the party of the first part has hereunto set her hand the day and year first above written.

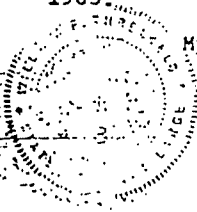
Minnie Lillian Acree  
Minnie Lillian Acree

Lillian Acree  
Lillian Acree

STATE OF KENTUCKY :  
: NOTARY'S CERTIFICATE OF ACKNOWLEDGMENT  
COUNTY OF KENTON :

The foregoing deed was acknowledged before me by Minnie Lillian Acree, (a/k/a Lillian Acree) this the 12th day of August, 1985.

My commission expires: 12-22-1985



William F. Threlkell  
Notary Public, Com. of KY.  
State at Large

This deed prepared by :

William P. Threlkeld  
William P. Threlkeld  
Attorney at Law  
144 North Main Street  
Williamstown, Kentucky 411097

STATE OF KENTUCKY

: CLERK'S CERTIFICATE OF LODGMENT  
: AND RECORD

COUNTY OF BOONE

I, JERRY W. ROUSE, Clerk of the County Court in and for the County and State aforesaid, certify that the foregoing deed was on the 14th day of AUGUST, 198 5 at 9:00 o'clock A M. lodged for record whereupon the same together with the foregoing and this certificate has been duly recorded in my office in Deed Book \_\_\_\_\_, page \_\_\_\_\_.

Given under my hand this the 15th day of AUGUST, 198 5.

JERRY W. ROUSE Clerk

By Donna Collins D. C.

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parties

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for and  
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County,

Present  
Grantee

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*return John Kummer*

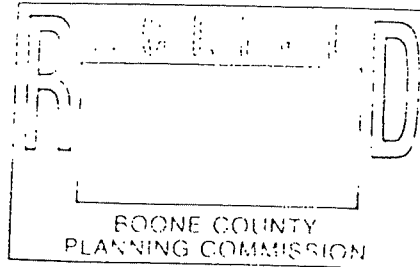
*ret:*



# "Shaping Lives for Tomorrow"

1150 Victory School House Rd. - Union, Kentucky 41091 - Phone: (859) 586-5475 Fax: (859) 586-5491

March 15, 2001



Mr. Kevin T. Wall  
AICP CDT Director, Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

RE: CUP Reference to 300 Guests

Thank you for reviewing the CUP reference to the 300-guest exception.

While our typical group size is 30, there are exceptions due to not knowing the response our guest coordinator or we may get from an invitation to attend a function. Typically, these fall on a weekend but may not be limited to such.

Events that could exceed 300 guests include the following:

- Anniversary events sponsored by Potter's Ranch
- Special events sponsored by our guests
- Special praise and worship gatherings sponsored by Potter's Ranch or our guests.

Annual frequency is 3 to 5 events.

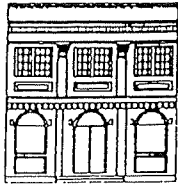
Thank you for your offer to review this subject and respond. Should you desire any additional information, please call me at the above number.

Shaping lives for tomorrow.

Mark P. Truebenbach  
General Manager

CC: Robert J. Lightner

## BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

[www.boonecountyky.org](http://www.boonecountyky.org)

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

March 19, 2001

Mr. Mark P. Truebenbach  
General Manager  
Potter's Ranch  
1150 Victory School House Road  
Union, KY 41091

FAX: 586-5491

RE: Potter's Ranch/Lightner Foundation CUP Condition Regarding Special Event Attendance

Dear Mr. Truebenbach:

In response to your inquiry, I am providing the following information. Your letter asks about permitting more than three hundred guests at Potter's Ranch events such as anniversary events, special events sponsored by "guests," and special praise and worship gatherings. Such events would occur at a nominal frequency of three to five times a year.

Condition #7 of the Conditional Use Permit approval (approved by the Boone County Board of Adjustment on 7/22/92) states:

That no more than 300 people shall be in attendance at special meetings with the exception being the grand opening and dedications.

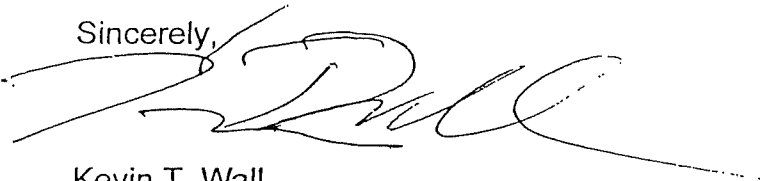
When considering that the grand opening has already taken place and I believe that the "dedications" mentioned in condition pertain to the dedication of new facilities at the ranch as they are constructed or opened, it is apparent that the "special meetings" mentioned in the condition are the same type of events proposed in your letter. Thus, I do not believe that the attendance of those events can exceed three hundred under the current approval. This is especially relevant when considering that the gatherings permitted to have an attendance of over three hundred occur only on very rare occasions, versus three to five times a year.

However, you can submit a new Conditional Use Permit (CUP) application in an effort to amend the original condition. If you opt to submit a new application, I suggest that you

Mr. Mark P. Truebenbach  
March 19, 2001  
Page 2

clearly outline all of the various types of events that could occur and include realistic attendance estimates. Additionally, I recommend that you review your current CUP approvals and include any/all aspects which you would like to change in the new application in an effort to cover all bases in one application. Please call me if you have any questions or need any clarifications.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall', written over a horizontal line.

Kevin T. Wall  
Zoning Administrator  
Boone County

KTW/vlm



# "Shaping Lives for Tomorrow"

1150 Victory School House Rd. - Union, Kentucky 41091 - Phone: (859) 586-5475 Fax: (859) 586-5491

April 17, 2001

Mr. Kevin T. Wall  
AICP CDT Director, Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

RE: CUP Reference to 300 Guests

Thank you for your response to my March 15, 2001 letter referencing the 300 guests guideline.

Please note the enclosed application form referenced in your response letter.

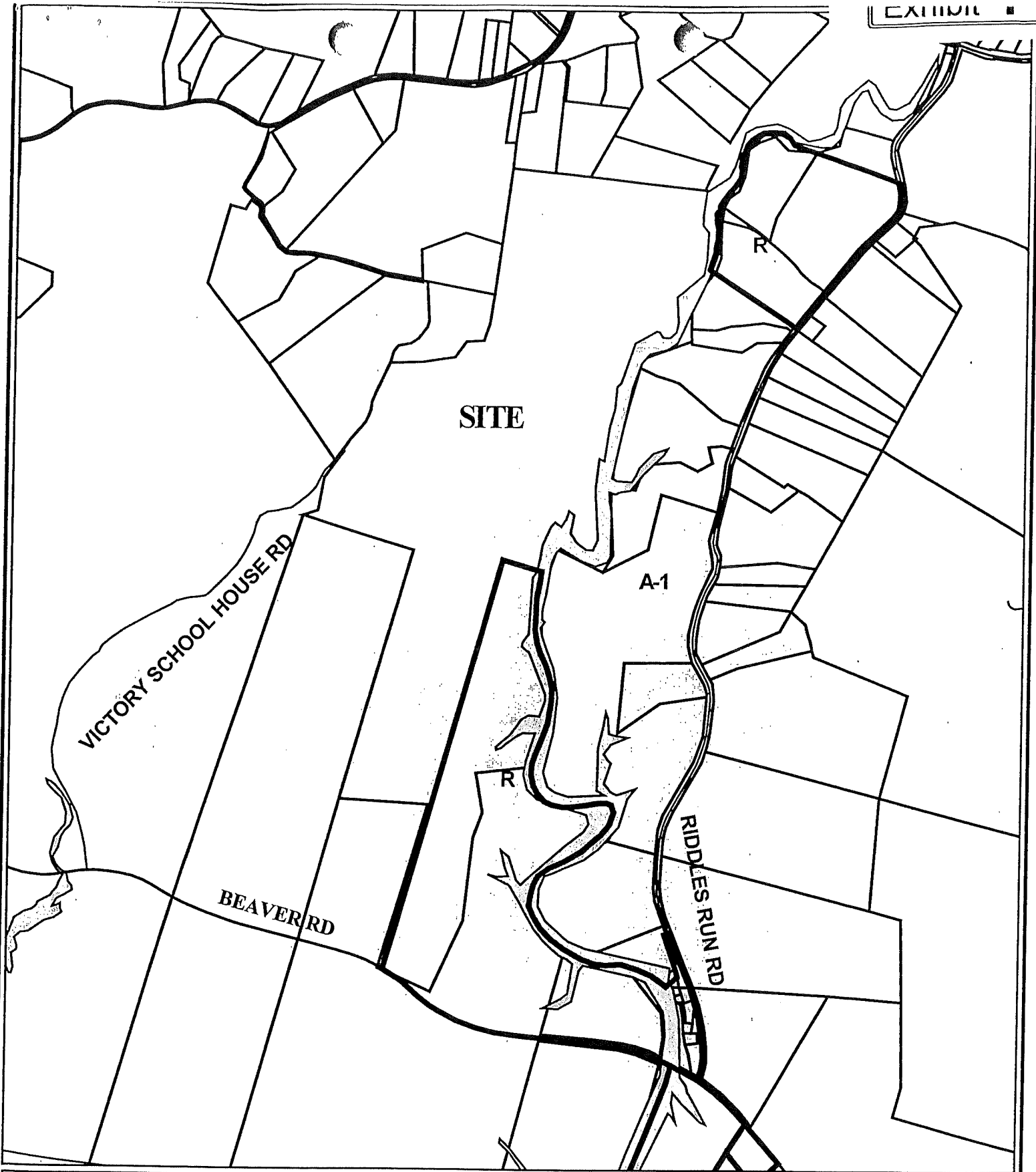
The following types of events could exceed the 300 guideline: weddings, receptions, anniversaries, church events, concerts, multiple group events held the same day.

Thank you for your assistance.

Shaping lives for tomorrow,

Robert J. Lightner  
Founder & Chairman

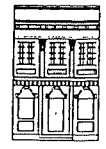
RJL/grt



**Tom Withorn**  
**Site Vicinity & Zoning Map**

1400 0 1400 Feet

1 inch equals 1400 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 March 2, 2001



COPY

CLUR #01-BCBOA-016-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Robert J. Lightner  
11500 Victory School House Road  
Union, KY 41091
  
2. ADDRESS OF PROPERTY  
11500 Victory School House Road  
Union, KY 41091
  
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Potter's Ranch
  
4. DEED BOOK 334                      PAGE NO. 57                      GROUP NO. 2060
  
5. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment:                       Conditional Use Permit  
From    To     
 Development Plan                                       Conditional Zoning  
 Subdivision Plat     Other:  
(Not Recorded)  
 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

Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

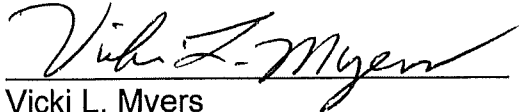
Todd K. Morgan, Planner, Zoning Services  
Name and Title of Completing Official

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 26 day of June, 2001.

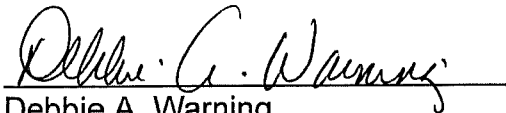


Vicki L. Myers  
NOTARY PUBLIC, State at Large

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 Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of June 13, 2001 Certificate of Land Use Restriction (#01-BCBOA-016-A), for Robert J. Lightner, Property Owner(s).

The following conditions will apply:

- 1) An unlimited number of events with up to six hundred guests are allowed.
- 2) Seven events annually with up to one thousand guests are allowed.
- 3) Two events annually with up to two thousand guests are allowed.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 334

PAGE NO. 57

GROUP NO. 2060