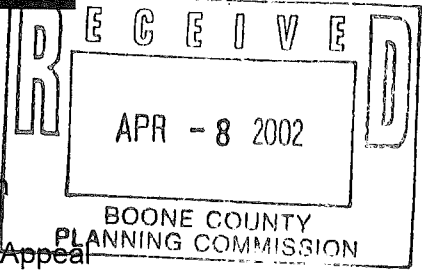


APPLICATION FORM

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) Boone Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
3. Applicant's Name Mrs. Marcha K. Miller
Phone Number (859) 586-8352 Fax No.
Applicant's Address 5175 Middle Creek Road
Burlington Ky. 41005
4. Description of Request: Construct A Single-Family Residence
5. Name of Development 5175
6. Location of Development Middle Creek Rd.
7. Acreage Under Review 5+5/10 (5.55 AC.)
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Marcha Miller
Phone Number of Owner 586-8352
Address of Property Owner 5175 Middle Creek Rd.
10.
11. Proposed Use(s) on Site Burlington Ky. 41005
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property R
14. Deed Book 376 Page No. 89 Group No. 2035
15. Is the site subject to a zone change?
If yes, give date of approval
16. Have you submitted a Site Plan with this request? NO
17. Have you submitted a list of adjoining property owners with this request? NO
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: Marcha K. Miller

Property Owner's Signature: Marcha K. Miller

**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 4-8-02 Fee Received \$ 488.00 R# 30966
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
5-8-02 **Approved**
_____ **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

**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: Martha Miller
LOCATION: 5175 Middle Creek Road, Boone County, Kentucky
ZONING: Recreation (R)
DATE: May 8, 2002

Proposal

The property owner is requesting a Conditional Use Permit so she can construct a single-family residential dwelling in a Recreation (R) zoning district. The subject site is 5.55 acres in area and is located at 5175 Middle Creek Road, Boone County, Kentucky.

Mrs. Miller has made Staff aware that she will do a Conveyance Plat to split her 5.55 acre parcel tract into two legal lots of record, if the Board grants approval of the request (see Concept Plan). This conveyance plat would enable her to sell her existing house on a 1.852 acre parcel and build a new house on a 3.698 acre parcel.

Applicable Regulations

Article 7, Section 713 of the Boone County Zoning Regulations permits principally permitted uses of the Agriculture (A-1) zone, numbers 1 - 10, as conditional uses in the Recreation (R) district.

Article 6, Section 611 of the Boone County Zoning Regulations permits single family dwelling units as a principally permitted use within the Agriculture (A-1) district.

Article 2, Section 220 of the Boone County Zoning Regulations gives the Board of Adjustment the power to grant Conditional Use Permits.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 713 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 the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 7, Section 713 of the Boone County Zoning Regulations allows single family dwelling units as a conditional use in the Recreation (R) zone provided that:

- a. the activity is an integral relation to and directly in support of the recreation activity;
- b. the use, building, or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district;
- c. the activity is necessary to serve the specified public or membership engaged in the principal purpose so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district or immediate environs surrounding; and
- d. provided the arrangement of use, building or structure is mutually compatible with the organization or permitted and accessory uses to be protected in the district:

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question as "Rural Lands" uses. This designation is described as "wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

The Land Use Element (Bellevue - McVile Area, p. 177) makes the following statement regarding this area:

- A. "The Middle Creek Valley should become a preservation corridor in order to protect and expand the existing nature preserves, passive recreation sites, and historic sites. This area should be protected from major utility main construction, such as water and sewer."

Surrounding Land Uses and Zoning

North: Single-Family Residential and Agricultural (R & A-1)

South: Agricultural (R & A-1)

East: Single-Family Residential and Agricultural (R)

West: Agricultural (A-1 & R)

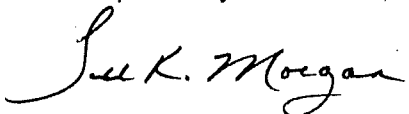
Staff Comments

1. If the request is approved, the Applicant will need to have an encroachment permit approved by Boone County Public Works and a Zoning Permit approved by the Planning Commission.

Conclusion

KRS 100.237 and Sections 220 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 Conditional Use Permit. Staff's opinion is that the request is in accord with the objectives of the comprehensive plan and is not of scale or character which will compete, detract or conflict with the principal purpose of the district.

Respectfully submitted,

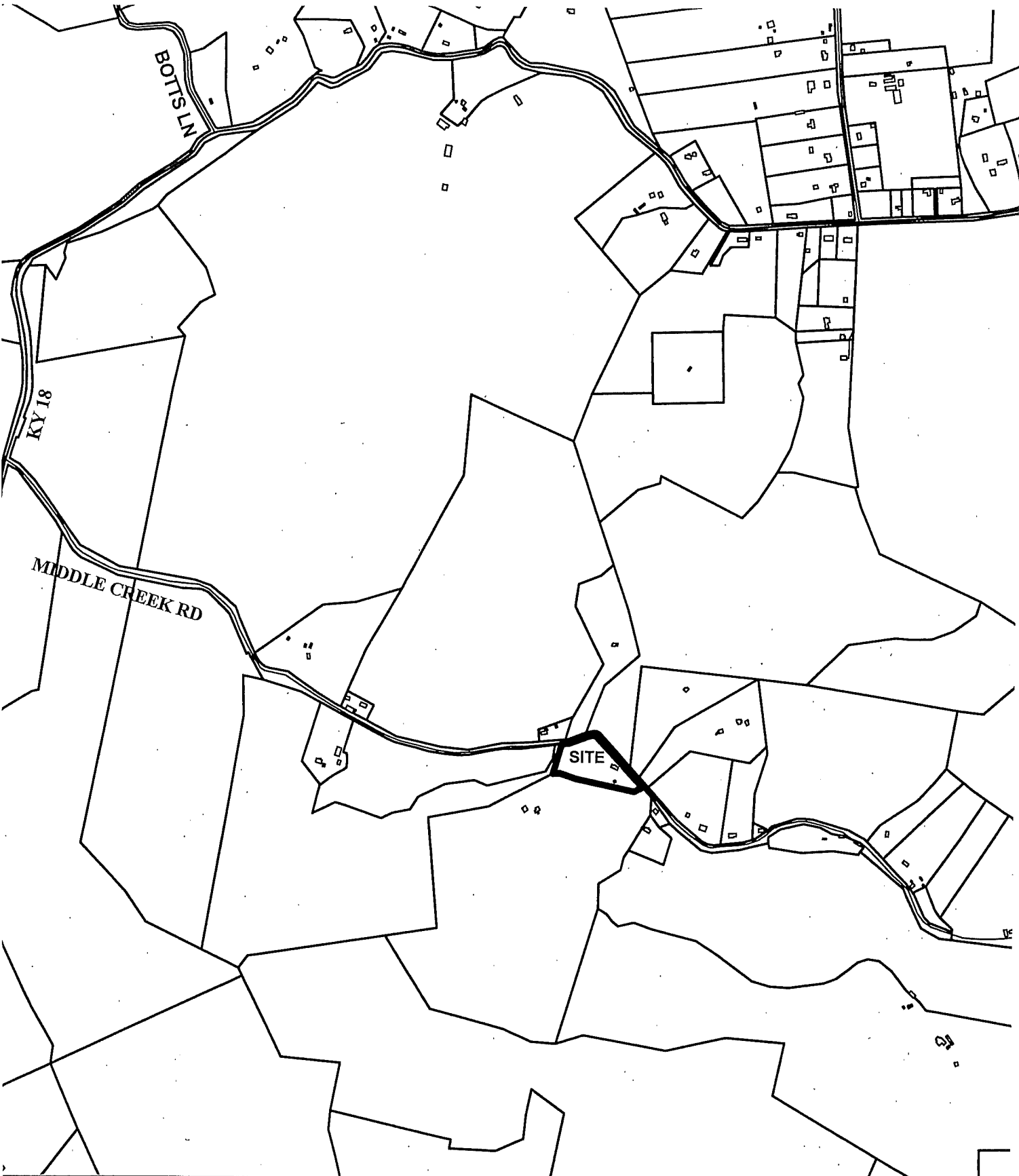


Todd K. Morgan, AICP
Planner, Zoning Services

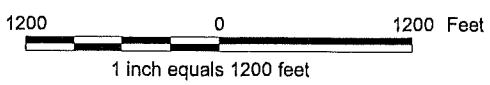
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Zoning Map
- Exhibit D – Future Land Use Map
- Exhibit E – Application

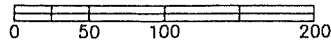


Martha Miller Site Vicinity Map

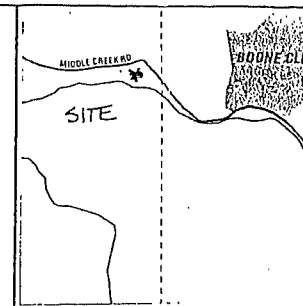


Produced by the
Boone County Planning Commission
GIS Services Division
April 23, 2002

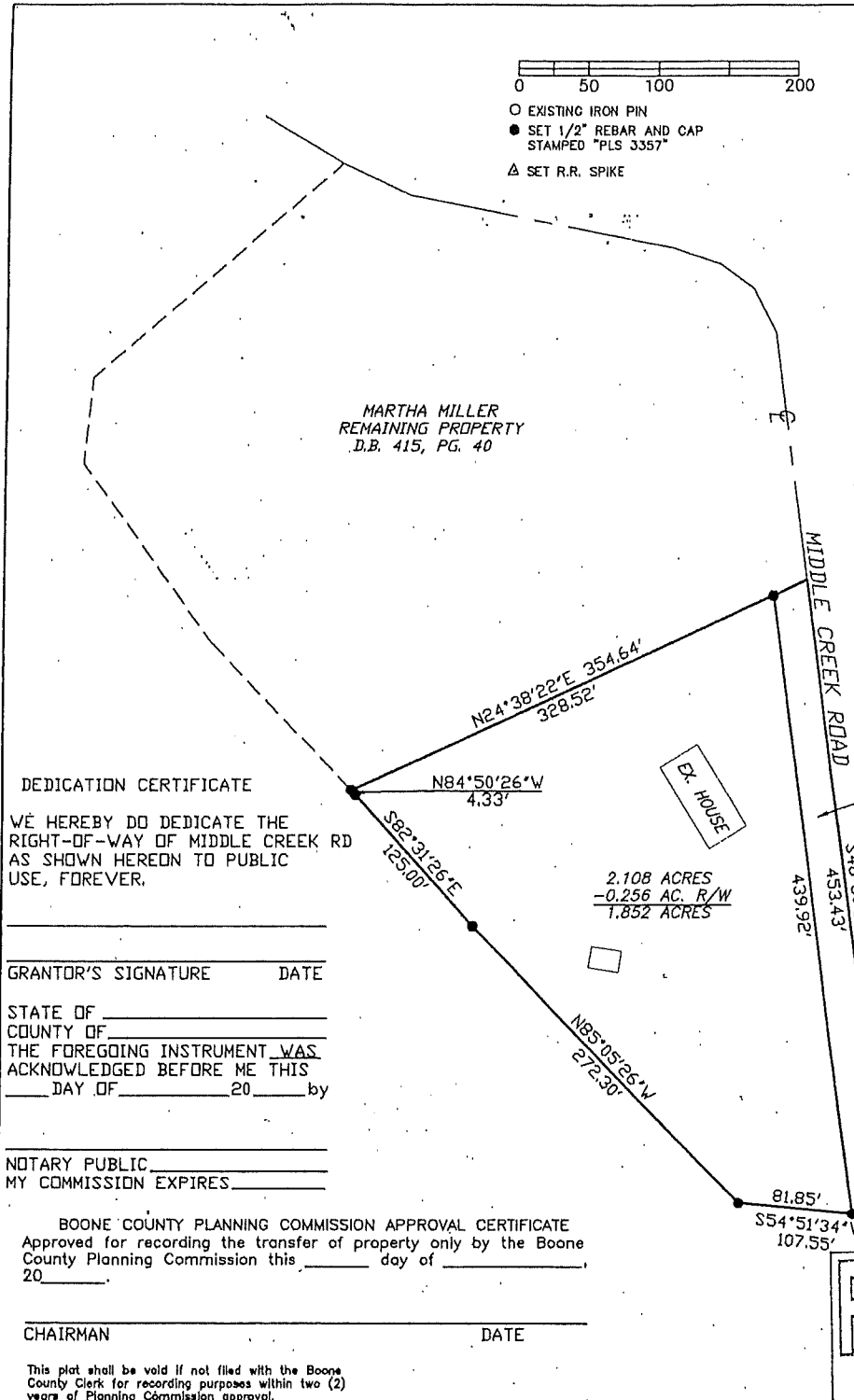




- EXISTING IRON PIN
- SET 1/2" REBAR AND CAP STAMPED "PLS 3357"
- △ SET R.R. SPIKE



VICINITY MAP
SCALE: 1" = 2500'
GROUP NO. 2035
ZONE: R



RECEIVED
APR - 8 2002

BOONE COUNTY
PLANNING COMMISSION

FOR BUILDABLE LOTS

I certify that I have examined the records of the Boone County Clerk and find that this is the first conveyance made under the present ownership and the parent tract since 1966 or the adoption of KRS.100.

P.L.S. 3357 _____ DATE _____

LAND SURVEYOR'S CERTIFICATE

I certify that this plat depicts a survey made by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner.

P.L.S. 3357 _____ DATE _____

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted error of closure was 1:18,000 and was not adjusted. The survey as shown hereon is a Class A Survey and the accuracy and precision of said survey meets all the specifications of this class.

PROPOSED DIVISION OF THE
MARTHA MILLER PROPERTY

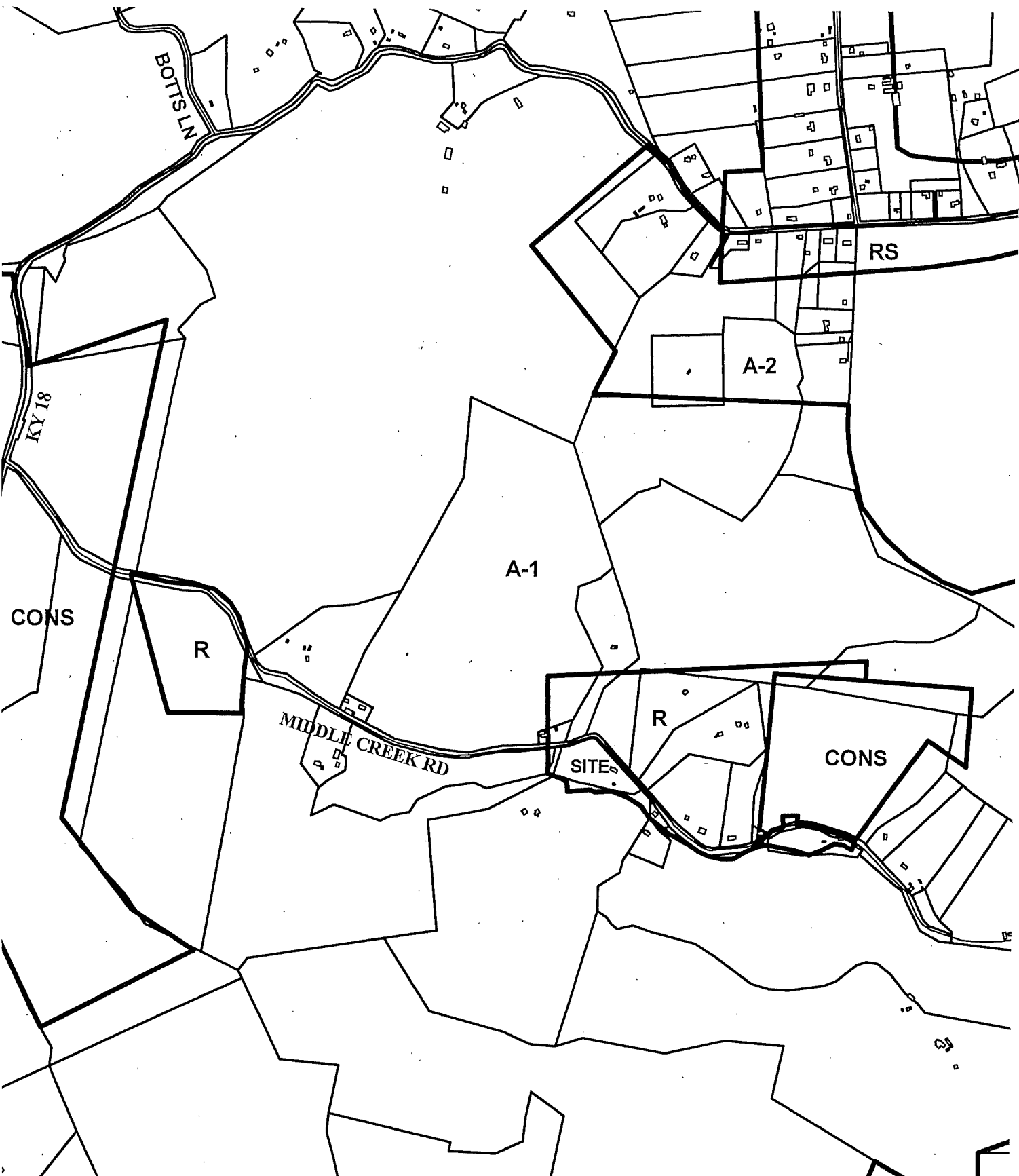
BOONE COUNTY KENTUCKY

SOUTH SIDE OF MIDDLE CREEK ROAD
1.3 MILES SOUTHEAST OF KY 18

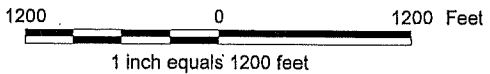
APRIL 1, 2002

SCALE: 1" = 100'

GREGORY A. LARISON, L.S.
10629 CHESHIRE RIDGE DRIVE
FLORENCE, KY 41042
(859) 371-1712

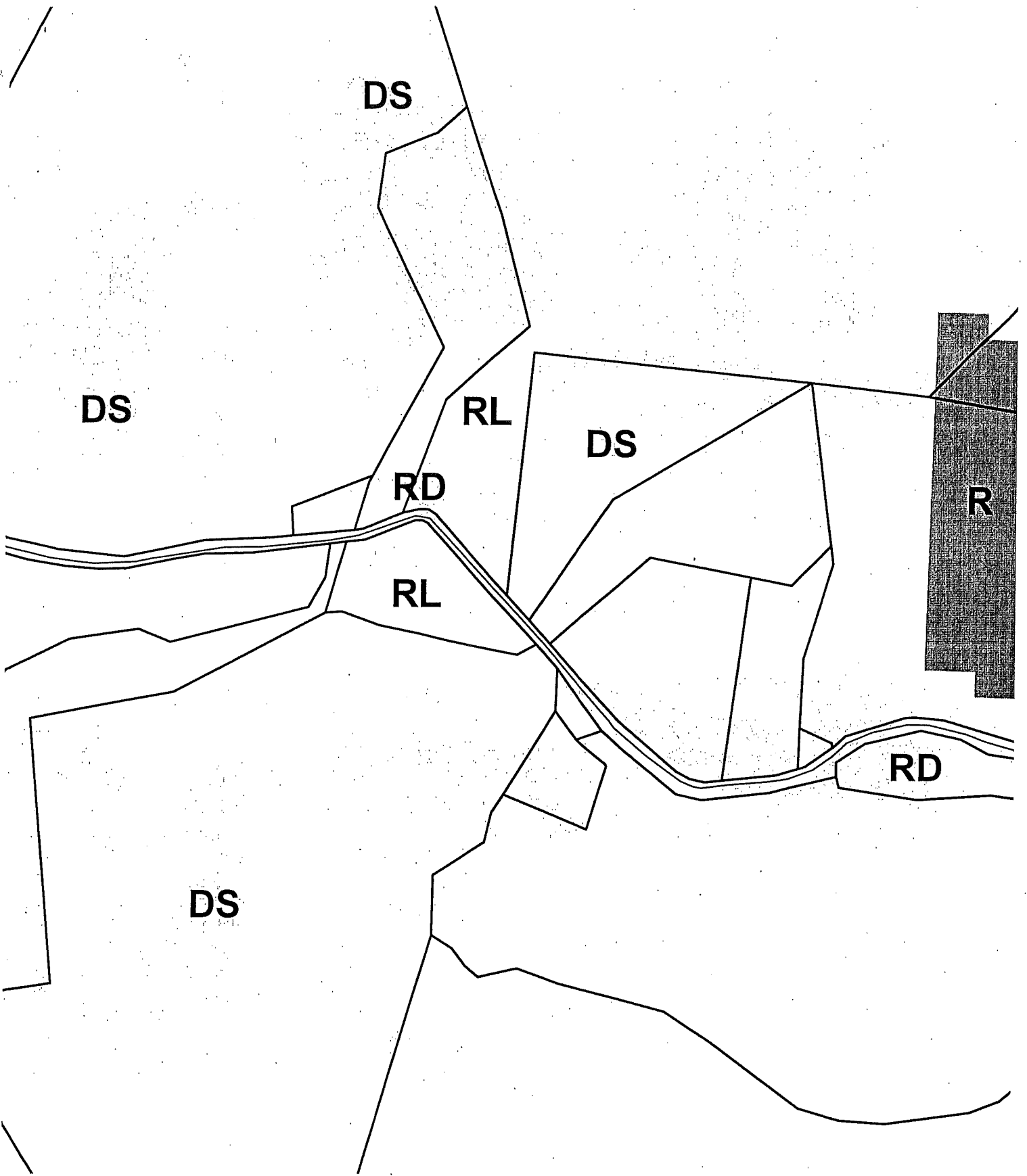


Martha Miller Zoning Map



Produced by the
Boone County Planning Commission
GIS Services Division
April 23, 2002





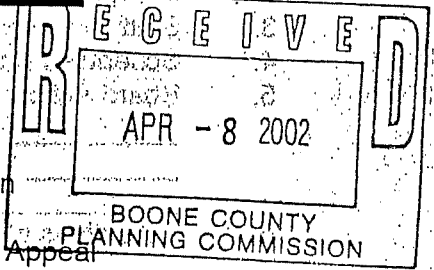
Martha Miller Future Land Use Map

1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 24, 2002



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) Boone Florence Walton Union
- 2. (Check One) Conditional Use Permit Variance Appeal
- 3. Change in Non-Conforming Use

Applicant's Name Mrs. Marcha E. Miller
 Phone Number (859) 586-8352 Fax No. _____
 Applicant's Address 5175 Middle Creek Road
Burlington Ky. 41005
 City State Zip

*4. Description of Request: Construct A Single-Family Residence

5. Name of Development 5175 Middle Creek Rd.

6. Location of Development Middle Creek Rd.

7. Acreage Under Review 5 + 5/10 (5.55 AC.)

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property Marcha Miller

Phone Number of Owner 586-8352 10.

Address of Property Owner 5175 Middle Creek Rd.

City State Zip

11. Proposed Use(s) on Site Burlington Ky. 41005

12. Total Square Footage of Existing and/or Proposed Buildings

13. Current Zoning on Property R

*14. Deed Book 376 Page No. 89 Group No. 2035

15. Is the site subject to a zone change? _____
If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? NO

17. Have you submitted a list of adjoining property owners with this request? NO

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: Marcha E. Miller

Property Owner's Signature: Marcha E. Miller

COPY

CLUR #02-BCBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Martha Miller
5175 Middle Creek Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY

5175 Middle Creek Road
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 376

PAGE NO. 89

GROUP NO. 2035

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

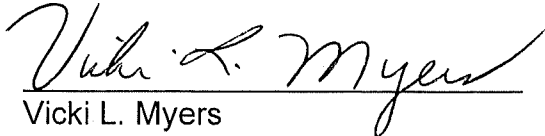

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

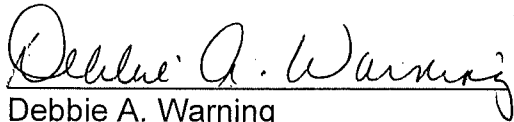
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 10 day of May, 2002.



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 May 8, 2002 Certificate of Land Use Restriction (#02-BCBOA-008-A), for Martha Miller, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 376

PAGE NO. 89

GROUP NO. 2035