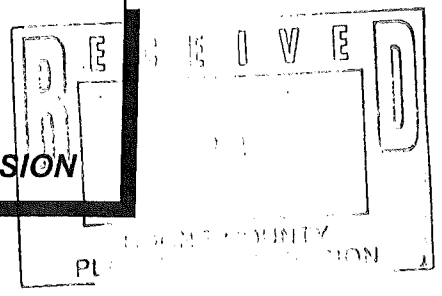


APPLICATION FORM

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name NANCY & Bob SWARTZEL for Burlington, Inc.
Phone Number 859 689-5096 Fax No. _____
Applicant's Address 5825 Jefferson St Burlington Ky 4005
4. Description of Request: move William A. Davis residence to property and use to expand current hotel breakfast business from 2 to 7 days
5. Name of Development Burlington's Willis Graves Bed & Breakfast
6. Location of Development 5825 Jefferson St. Burlington, KY 4005
7. Acreage Under Review 1.5
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Bob & Nancy SWARTZEL for Burlington, Inc.
Phone Number of Owner 859 689 5096
10. Address of Property Owner 5825 Jefferson St Burlington Ky 4005
11. Proposed Use(s) on Site additional bed breakfast
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property
14. Deed Book 488 Page No. 104 Group No. 2029
15. Is the site subject to a zone change? yes
If yes, give date of approval 6-14-11
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: Robert Swartz Nancy Swartz
Property Owner's Signature: Robert Swartz Nancy Swartz

**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 10-24-02 Fee Received \$ 577.00 #33297
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11-13-02 **Approved**
Approved with Conditions (See #6)
Denial (See #7) SEE 11-13-02
6. Conditions of Approval: SEE 11-13-02
BOONE COUNTY B.O.A. MEETING MINUTES
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 - Web Page**

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: Nancy & Bob Swartzel
LOCATION: 5825 Jefferson Street, Boone County, KY
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)
DATE: November 13, 2002

Proposal

The Applicants are requesting a Conditional Use Permit so they can expand their Bed and Breakfast business, which is located at 5825 Jefferson Street, Boone County, Kentucky. The approximate 1.3 acre site is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC).

The Applicants have provided a Concept Development Plan Staff which shows the following improvements:

1. Moving the Historic William A. Rouse house onto the property and placing it in the southwest corner of the guest parking lot. The proposed location is 60 feet from the front property line. The 1,400 square foot house is proposed to be converted into an exposed log structure with two bed and breakfast rooms (see attached pictures);
2. Adding a future house (could be moved from another site or newly constructed) on the property. This house is shown 150 feet from the front property line. The approximate 1,400 square foot structure would contain two additional bed and breakfast rooms; and
3. Adding onto the existing gravel parking so that there is adequate guest parking.

Applicable Regulations

Article 20, Section 2012 of the Boone County Zoning Regulations permits "Bed and Breakfast Inns with more than four guest rooms" as a conditional use within the Small Community Overlay (SC) district.

Article 20, Section 2015 of the Boone County Zoning Regulations states that the front yard setback in the Small Community Overlay (SC) district is a 20 foot maximum. Any building proposed further back than 20 feet is subject to a variance.

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

Article 33, Section 3312 of the Boone County Zoning Regulations states that "all parking areas shall be stripped to facilitate movement into and out of the parking stalls."

Article 33, Section 3314 of the Boone County Zoning Regulations states that "all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface."

Article 33, Section 3325 of the Boone County Zoning Regulations requires one parking stall per sleeping room plus one stall per two employees.

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is 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 2012 of the Boone County Zoning Regulations.

Section 262 (General Standards Applicable to All Conditional Uses):

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 20, Section 2012 of the Boone County Zoning Regulations allows Bed and Breakfast Inns with more than four guest rooms and appropriate accessories as a conditional use in the SC district provided that:

- a. the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b. the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and
- c. historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Suburban Residential" uses. This designation is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element (Burlington Area, p. 169) states the following regarding this area:

- A. "Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive reuse to retain the character of central Burlington."

Site Characteristics

The approximate 1.3 acre site contains a 3,000 square foot structure, which contains a single-family residence and three Bed and Breakfast rooms. The parcel also contains a garage and barn toward the northwest property line and a gravel parking lot for the Bed and Breakfast patrons.

The site is bisected by a stream and the topography of the parcel rolls between 800 feet and 810 feet (see attached topographical map).

Surrounding Land Uses and Zoning

North: Jefferson Street & Single-Family Residential Dwellings (SR-2/SC)

South: Single-Family Residential Dwellings (SR-2/SC)

East: Single-Family Residential Dwelling (SR-2/SC)

West: Boone County Fairgrounds (PF)

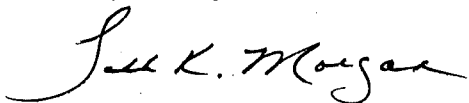
Staff Comments

1. The Applicants will need to submit a Variance application if the Conditional Use Permit is approved. The Variance will be required because the Concept Plan indicates that the proposed structures are exceeding the 20 foot maximum front yard setback requirement.
2. Staff is concerned about the appearance of the future expansion building. At this time, the Applicants are unable to specify whether this building would be another historic structure or new construction. If this building is approved, Staff recommends imposing some conditions which would guarantee that this building has an exterior appearance which is suitable in the SC Overlay zone.
3. Staff recommends that the customer parking lot should be paved and striped so that it is brought into compliance with the zoning regulations.
4. The Applicants will need to have a Site Plan approved before the building(s) are brought on-site.

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.

Respectfully submitted,

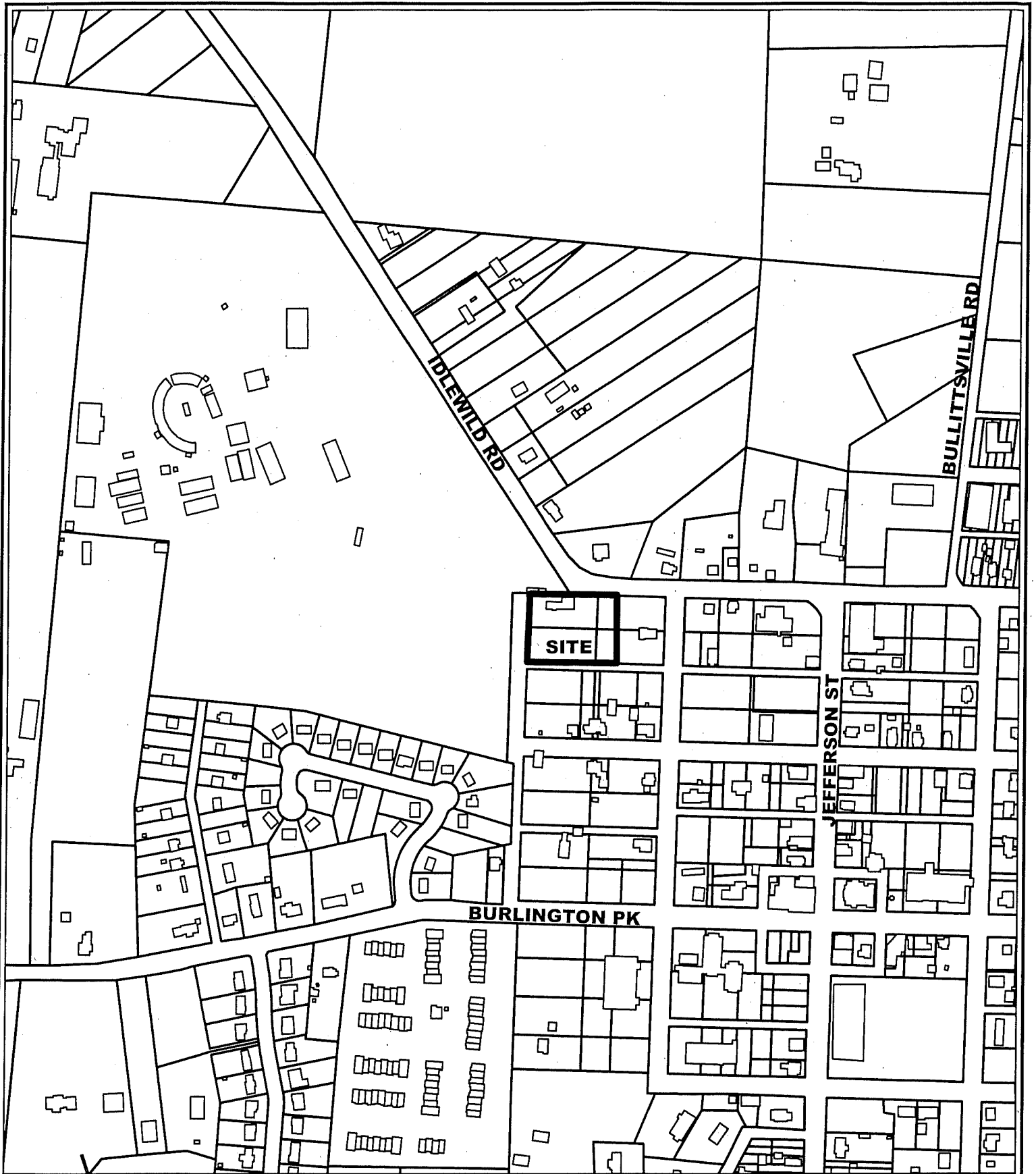


Todd K. Morgan, AICP
Planner, Zoning Services

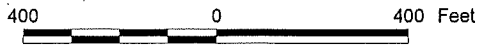
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Pictures of Building
- Exhibit D – Aerial Map
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Topographical Map
- Exhibit H – Application



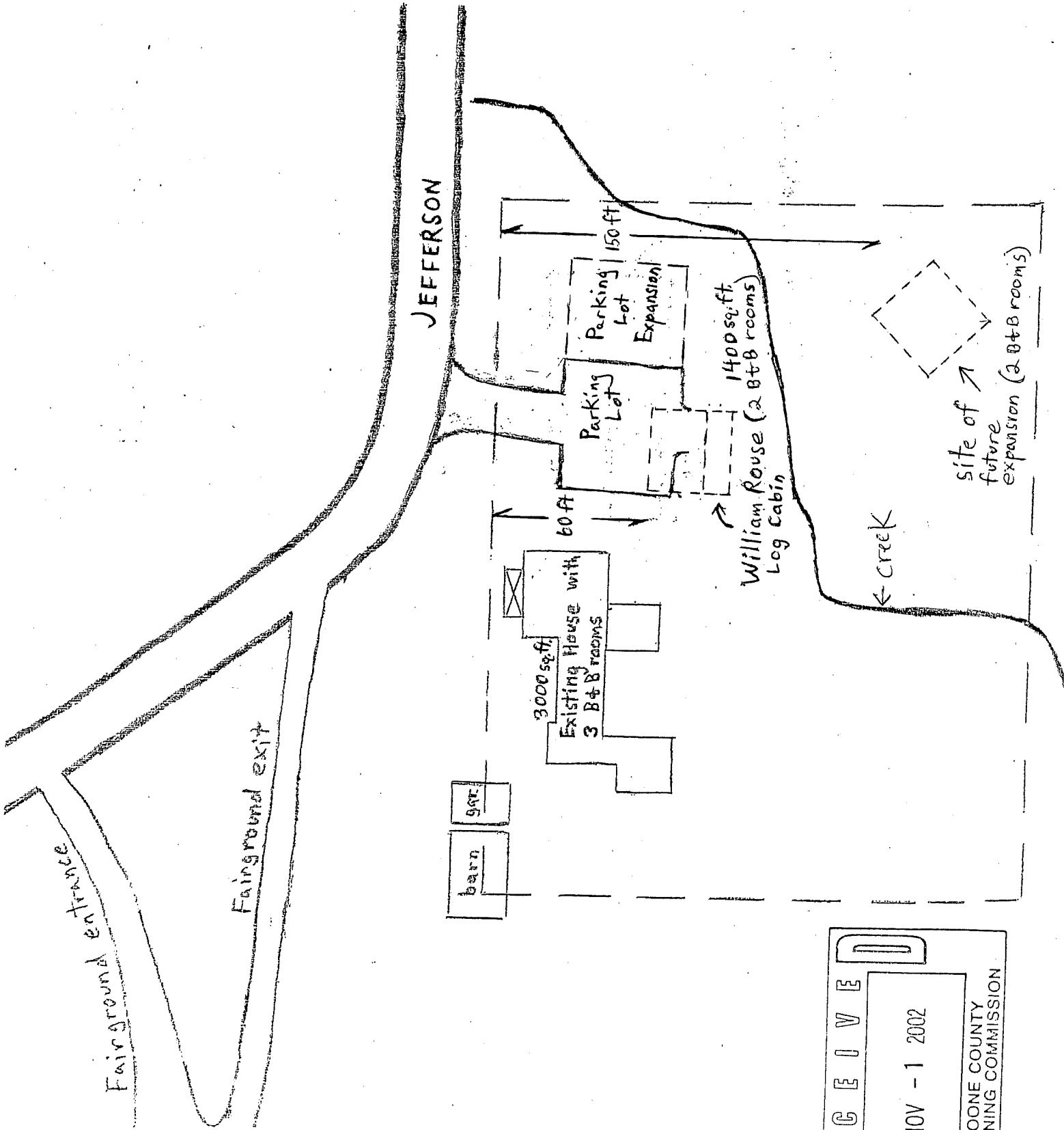
5825 JEFFERSON ST SITE VICINITY MAP



1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
October 29, 2002

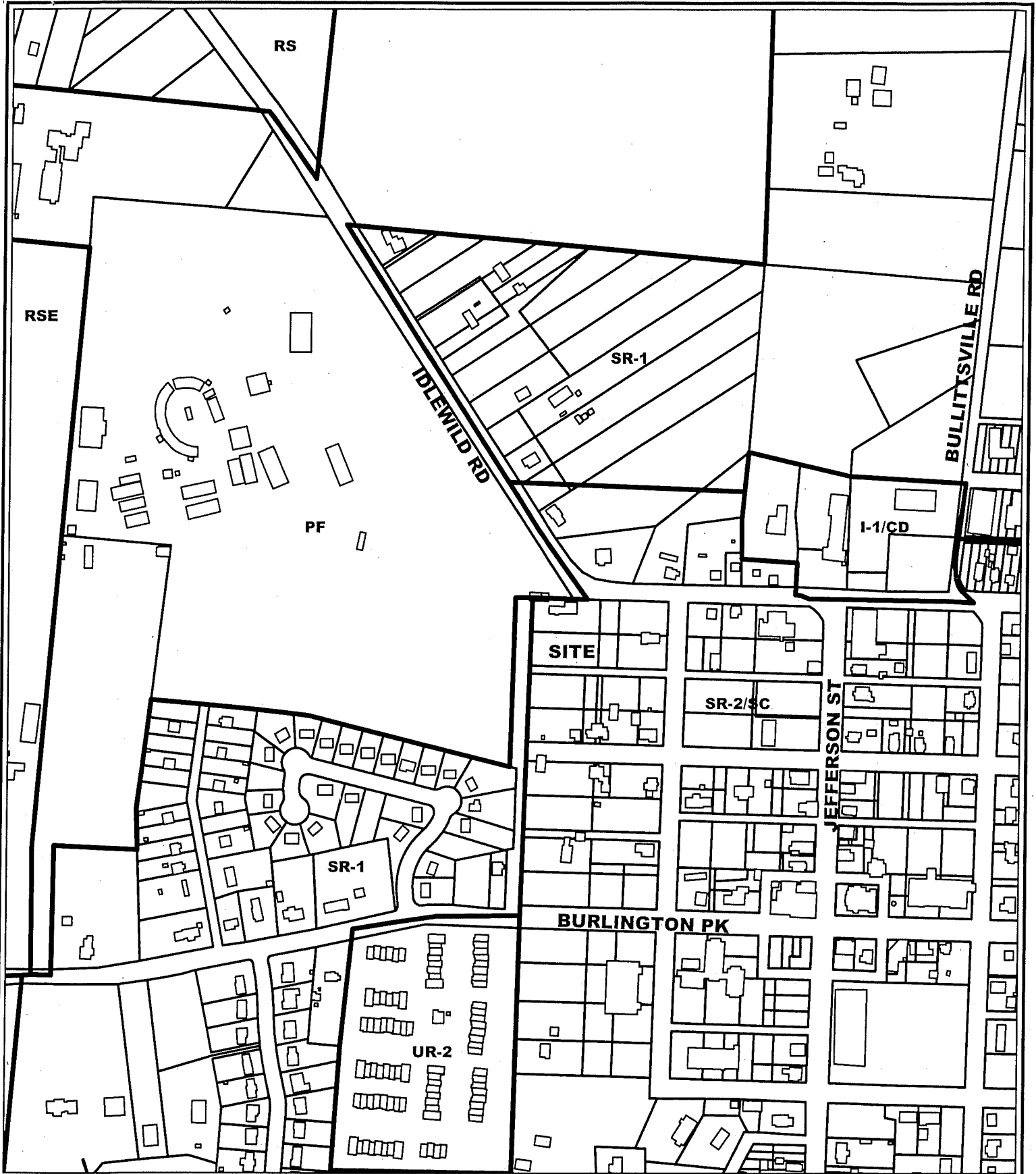




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BOONE COUNTY
PLANNING COMMISSION



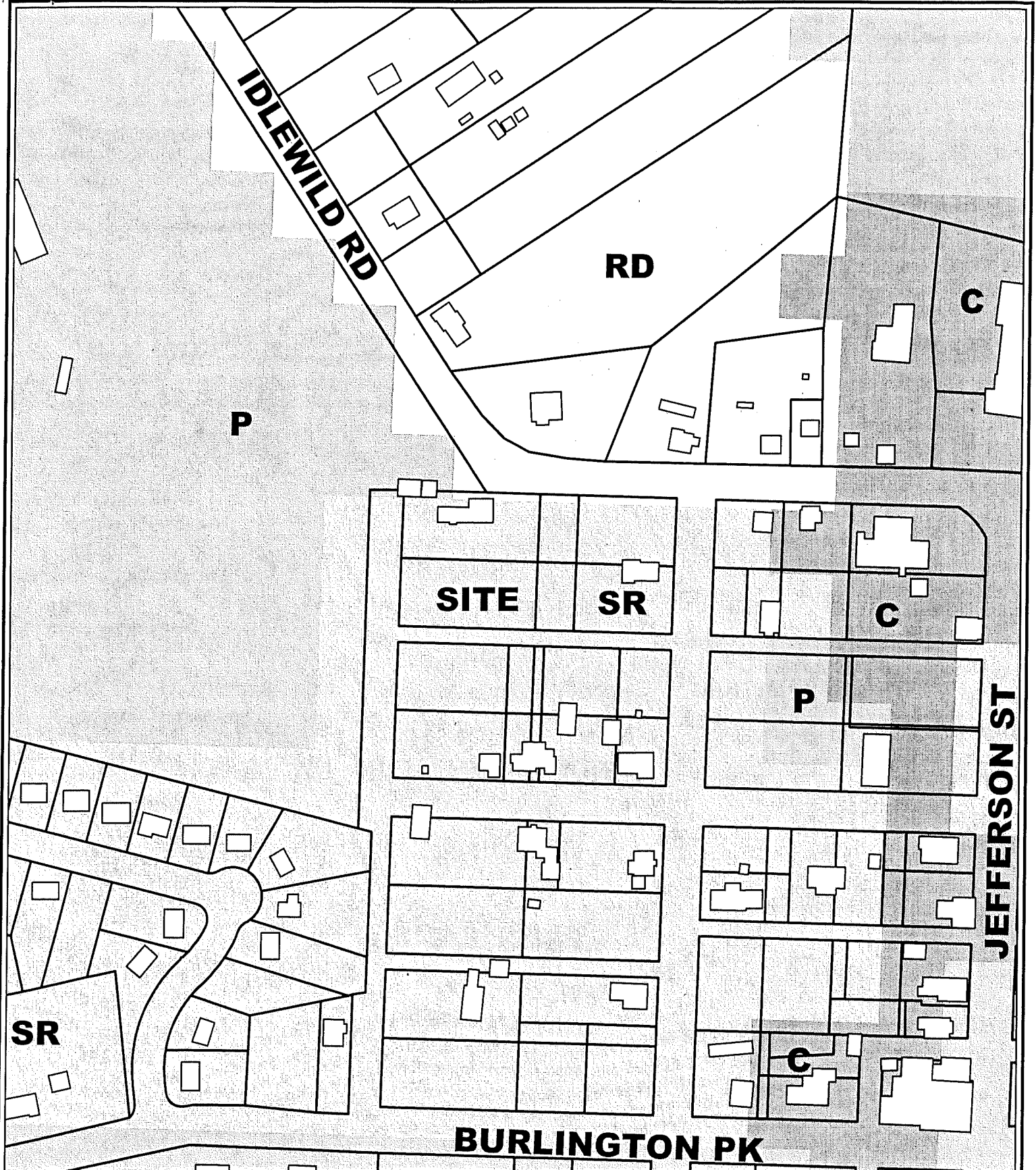
5825 JEFFERSON ST ZONING MAP

400 0 400 Feet

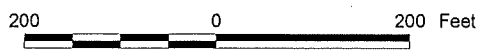
1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
October 29, 2002





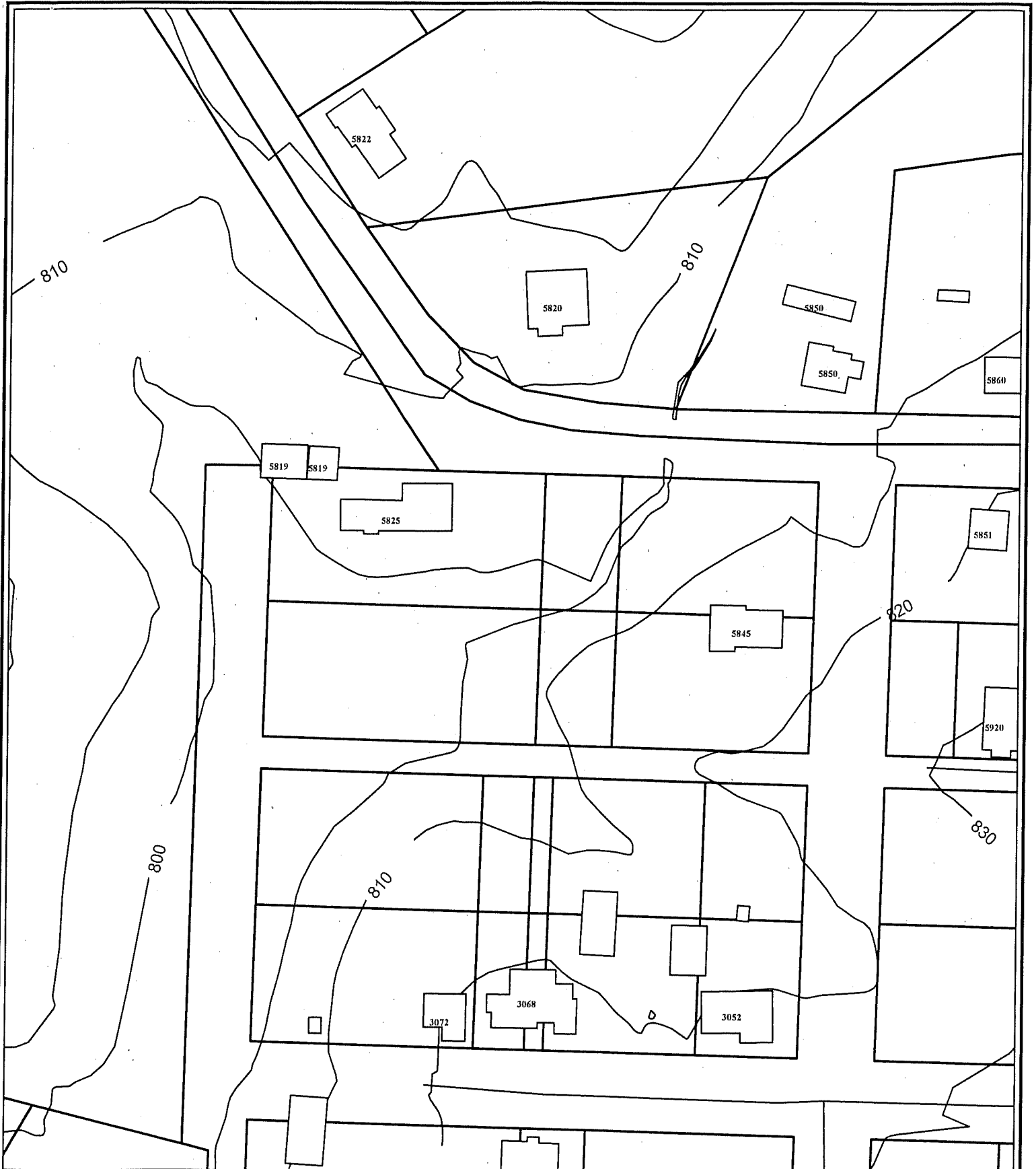
5825 JEFFERSON ST FUTURE LAND USE



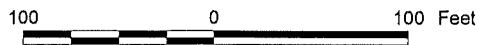
1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
October 29, 2002





5825 JEFFERSON ST TOPOGRAPHICAL MAP



1 inch equals 100 feet

Produced by the
Boone County Planning Commission
GIS Services Division
November 5, 2002

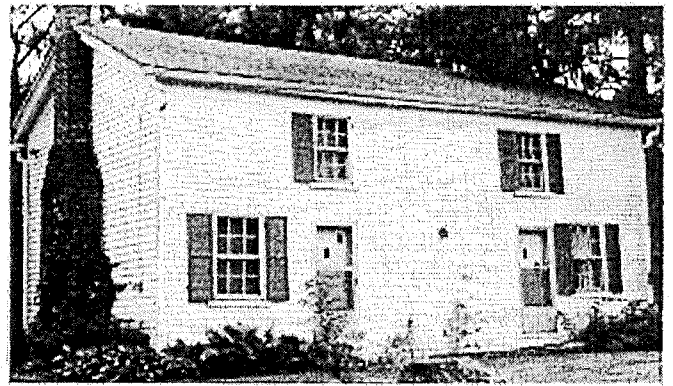


WILLIAM A. ROUSE HOUSE

County Road

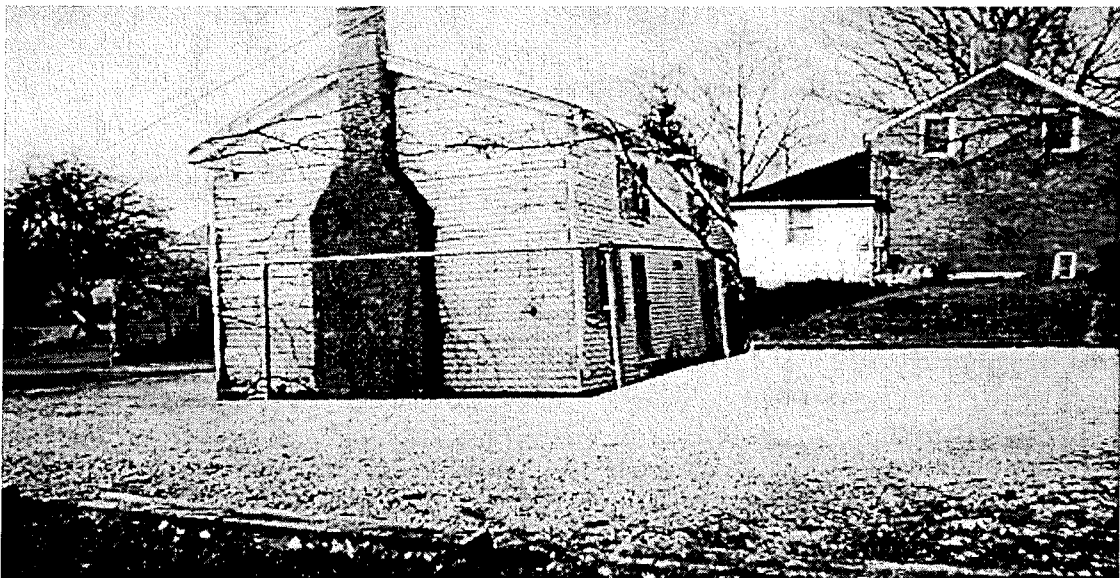
c. 1855

The William A. Rouse House is a weatherboarded log dwelling on the double-pen plan. It stands two stories high under a side-gabled roof of moderate pitch. The main facade, facing Garner Road, is four bays wide, in a window-deep-lean window pattern. The bays are placed in the outer edges of the facade, leaving the center blind. At the east gable end is a brick chimney that replaced an earlier, limestone chimney in the same location. Vertical Greek Revival woodwork graces the house's interior. William Rouse, a Virginia-born farmer of German ancestry, purchased 100 acres from Joel Garritt in 1855; the house likely was built soon afterward. Rouse raised hay, wheat, corn, cattle and hogs on his expanding acreage.



BE-480

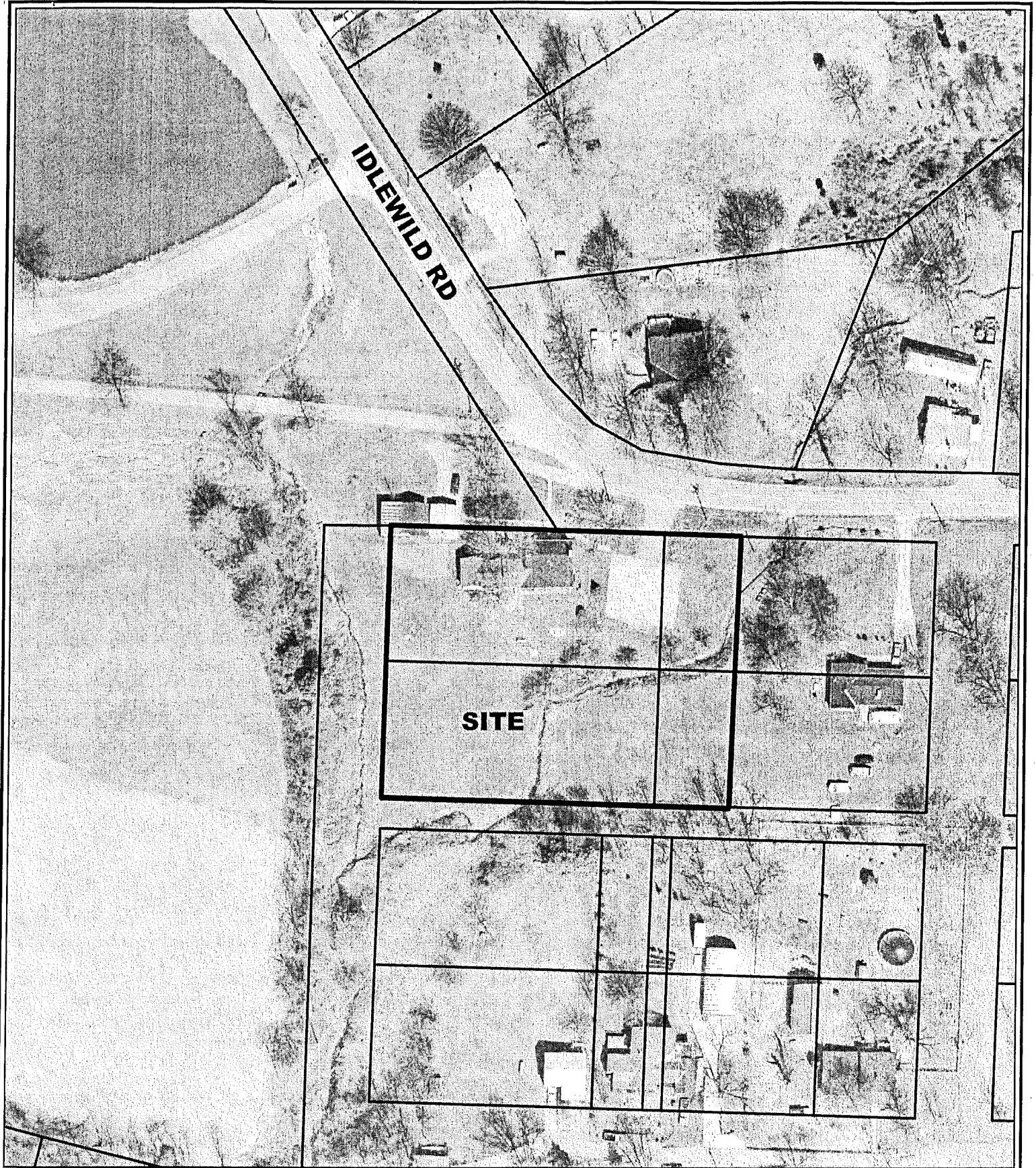
NR 2000



Simulation of House on Site



Proposed Exterior Appearance (Not Exact)



5825 JEFFERSON ST AERIAL MAP

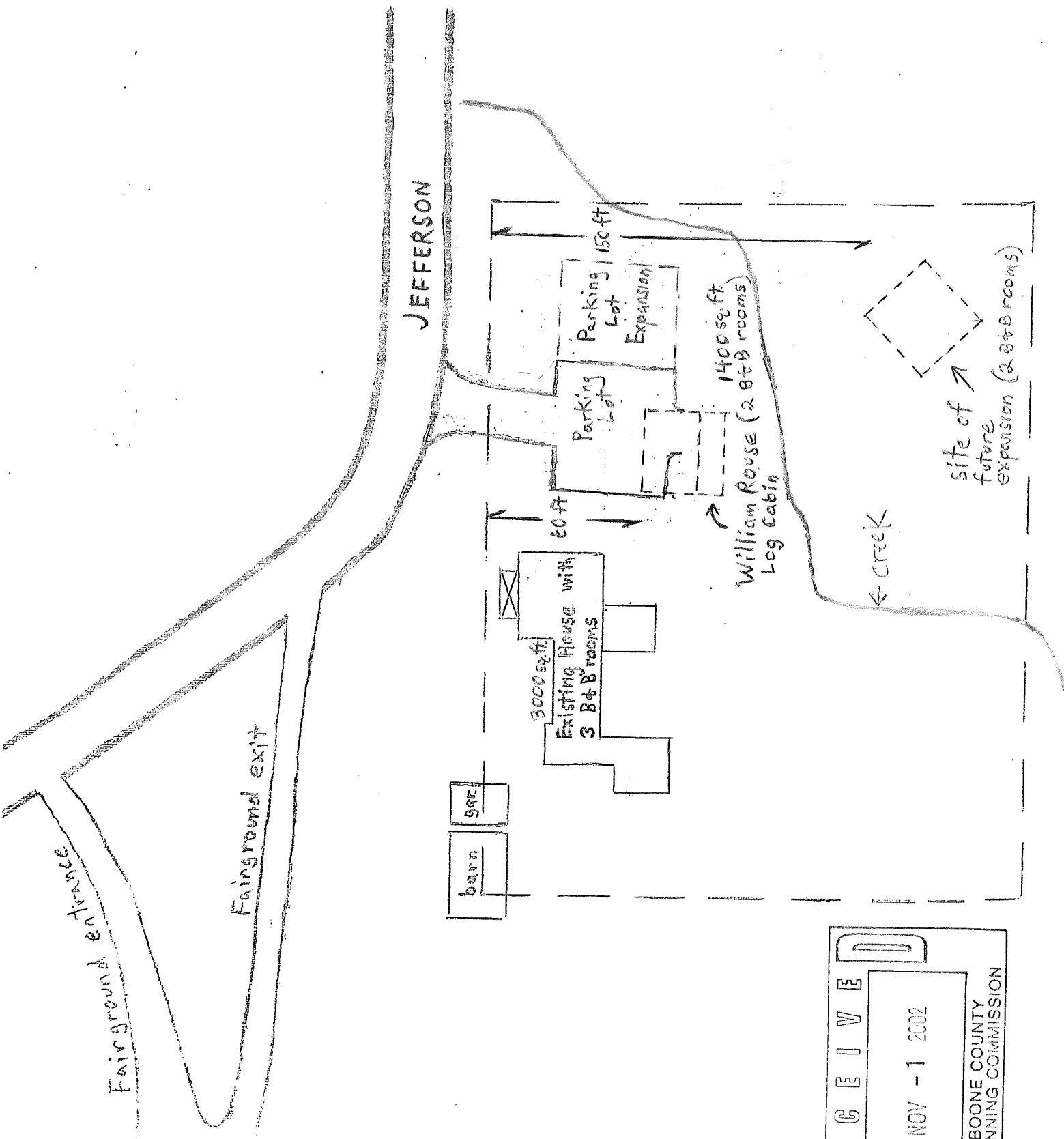
100 0 100 Feet



1 inch equals 100 feet

Produced by the
Boone County Planning Commission
GIS Services Division
October 29, 2002

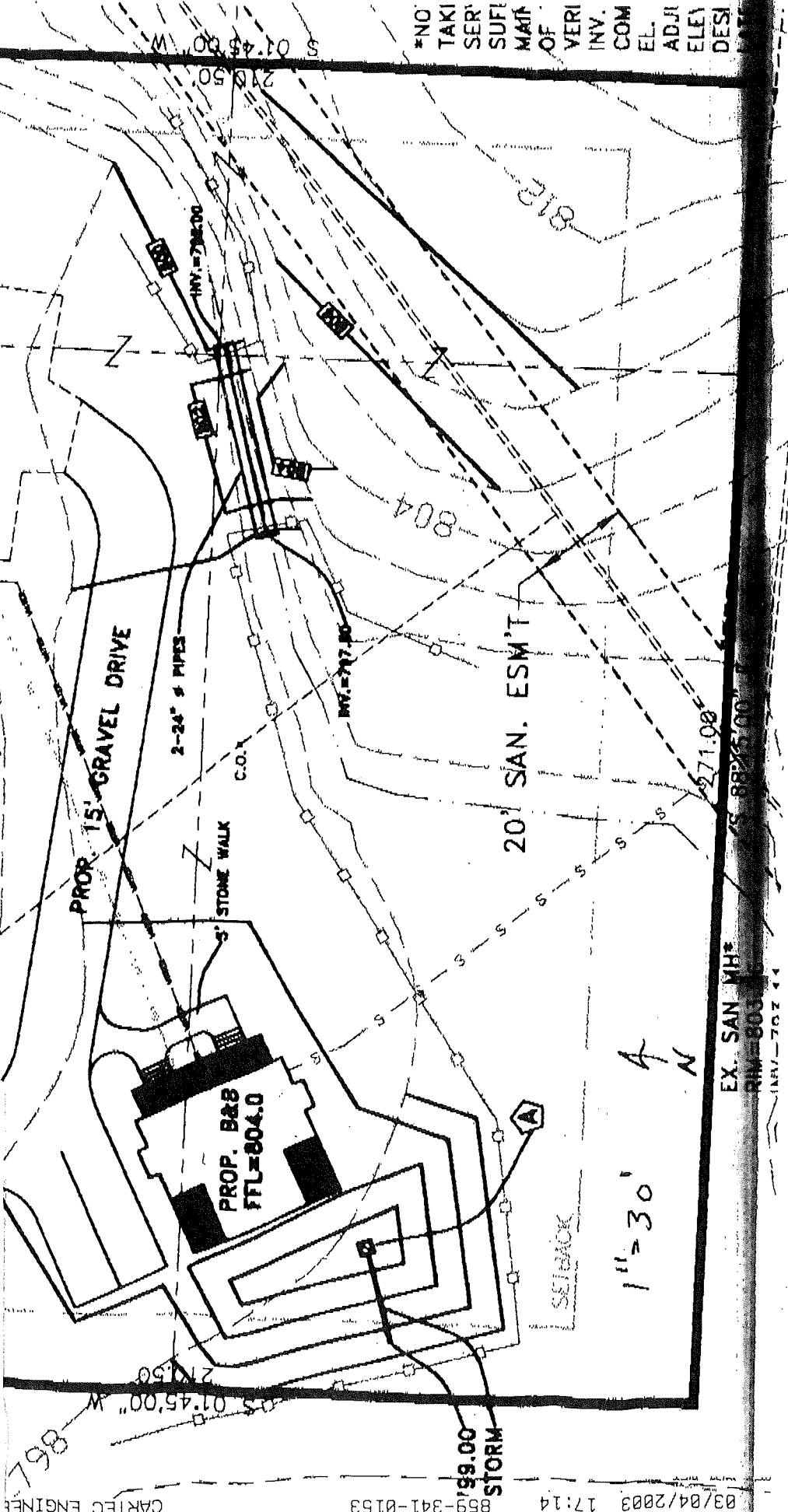




RECEIVED
 NOV - 1 2002
 BOONE COUNTY
 PLANNING COMMISSION

The Board of Adj.
 Approved the
 Revised location
 at their 3/12/03
 meeting.
 SEE MEETING minutes

TKM



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COPY

CLUR #02-BCBOA-023-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Bob & Nancy Swartzel
5825 Jefferson Street
Burlington, KY 41005
2. ADDRESS OF PROPERTY
5825 Jefferson Street
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Burlington's Willis Graves Bed & Breakfast
4. DEED BOOK 468 PAGE NO. 164 GROUP NO. 2024
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

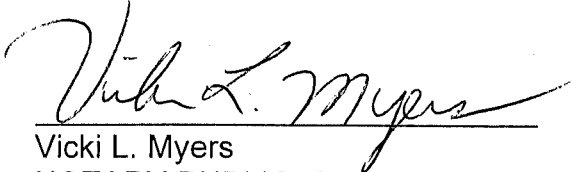

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

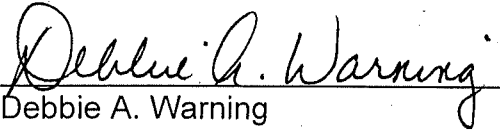
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 22 day of November, 2002.



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 November 13, 2002 Certificate of Land Use Restriction (#02-BCBOA-023-A), for Bob & Nancy Swartzel, Property Owner(s).

The following conditions will apply:

- 1) A Variance will be required because the Concept Plan indicates that the proposed structures are exceeding the 20 foot maximum front yard setback requirement.
- 2) The future expansion building is to be approximately 1,500 square feet in size, and the exterior appearance is subject to review and approval by the Rural/Open Space Planner.
- 3) The Applicants will need to have a Site Plan approved before the building(s) are brought on-site.

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

DEED BOOK 468

PAGE NO. 164

GROUP NO. 2029