

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. Boone Florence Walton Union 2. Conditional Use Permit Variance Appeal Change in Non-Conforming Use 3. Applicant's Name Robert L. & Nancy E. Swartzel Phone Number 859-689-5096 Fax No. Applicant's Address 5825 Jefferson Burlington, KY 41005 City State Zip 4. Description of Request: up to 150 feet setback from front property line for new bed & breakfast buildings 5. Name of Development Burlington's Willis Graves Bed & Breakfast 6. Location of Development 5825 Jefferson, Burlington, KY 41005 7. Acreage Under Review 1/2 8. Lot Number and Name of Subdivision (if part of a subdivision) 9. Owner of Property Burligrave, Inc. Phone Number of Owner 859-689-5096 10. Address of Property Owner Burlington KY 41005 City State Zip 11. Proposed Use(s) on Site Bed & Breakfast Inn 12. Total Square Footage of Existing and/or Proposed Buildings 1400 & 1500 13. Current Zoning on Property SR 2/SC 14. Deed Book 468 Page No. 164 Group No. 2024 15. Is the site subject to a zone change? no ; conditional use permit If yes, give date of approval 11-13-02 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 Swartzel

Property Owner's Signature: Robert Swartzel Nancy E Swartzel

**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 11-20-02 Fee Received 827,00/ R 33553
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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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](http://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

APPLICANTS: Robert & Nancy Swartzel  
LOCATION: 5825 Jefferson Street, Boone County, KY  
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)  
DATE: December 11, 2002

### PROPOSAL

The Applicants have requested a variance to increase the maximum front yard setback requirement from 20 feet to 150 feet for two newly proposed bed and breakfast buildings. The property in question is located at 5825 Jefferson Street, Boone County, Kentucky and is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC).

### SITE HISTORY

- November 1991 – The Boone County Board of Adjustment approved a Conditional Use Permit to allow the retail sale of crafts and antiques out of an existing home. There were no conditions of approval imposed.
- June 1995 – The Boone County Board of Adjustment approved a Conditional Use Permit to allow the development of a Bed and Breakfast Inn within a single-family home.
- November 2002 – The Boone County Board of Adjustment approved a Conditional Use Permit to allow two additional Bed & Breakfast buildings. The conditions of approval required a Variance to be filed because the buildings did not meet the front yard setback requirement.

### APPLICABLE 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.

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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.

- 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 regulation 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.

#### 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 & 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)

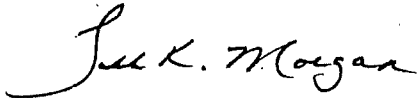
#### STAFF COMMENTS

1. If approved, the variance will be valid for both of the proposed buildings. The Concept Plan indicates that one of the buildings will be 60' feet from the front property line and that the other will be placed 150' from the front property line.
2. The Applicants have expressed concern about meeting the 20' maximum front yard setback because the buildings would need to be placed in close proximity to a sharp radial curve.
3. 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 area, and will not allow an unreasonable circumvention of the zoning regulations.

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 front yard setback variance.

Respectfully submitted;



Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

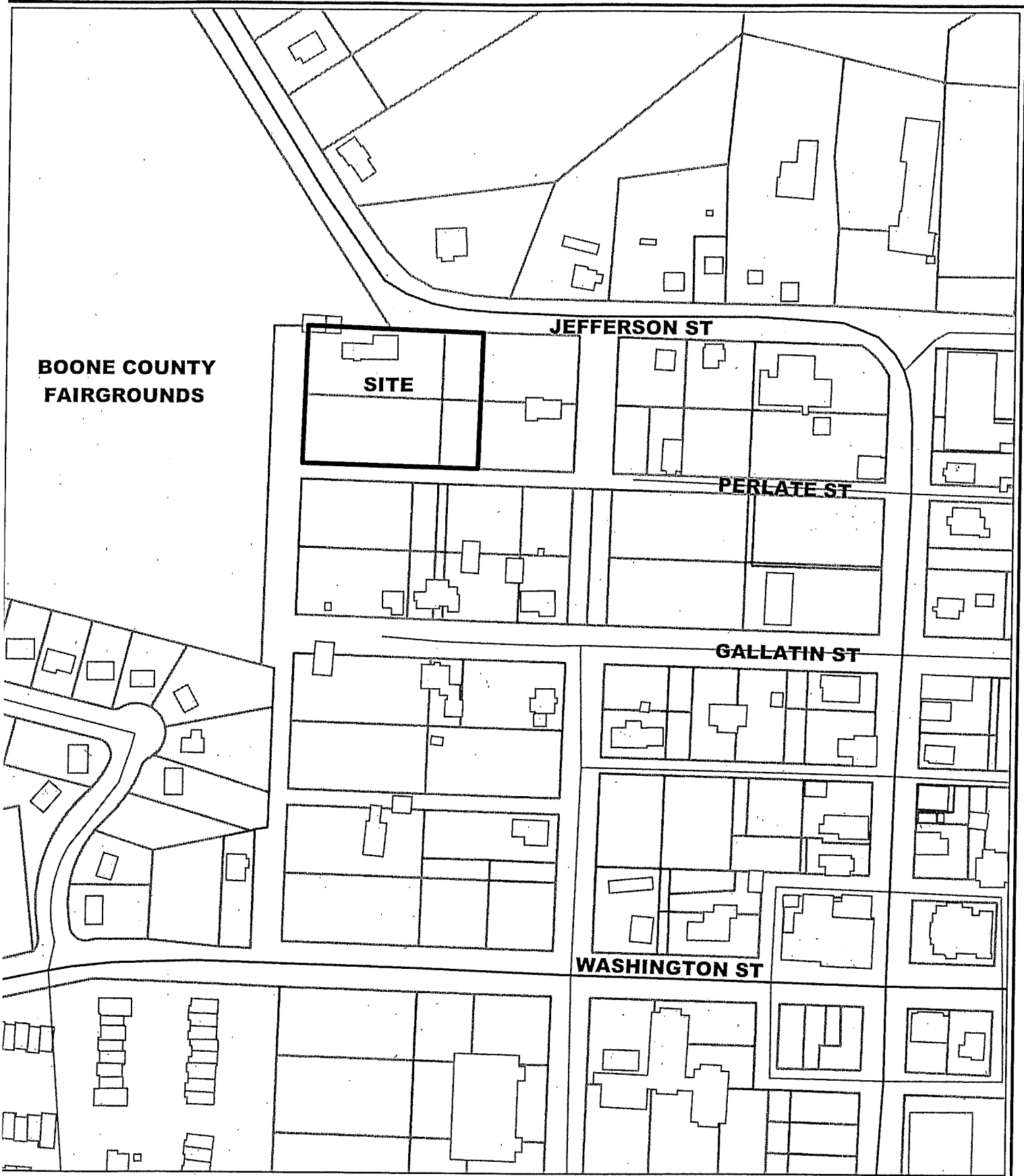
Exhibit A – Site Vicinity Map

Exhibit B – Concept Plan

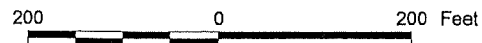
Exhibit C – Zoning Map

Exhibit D – Aerial Map

Exhibit E – Application



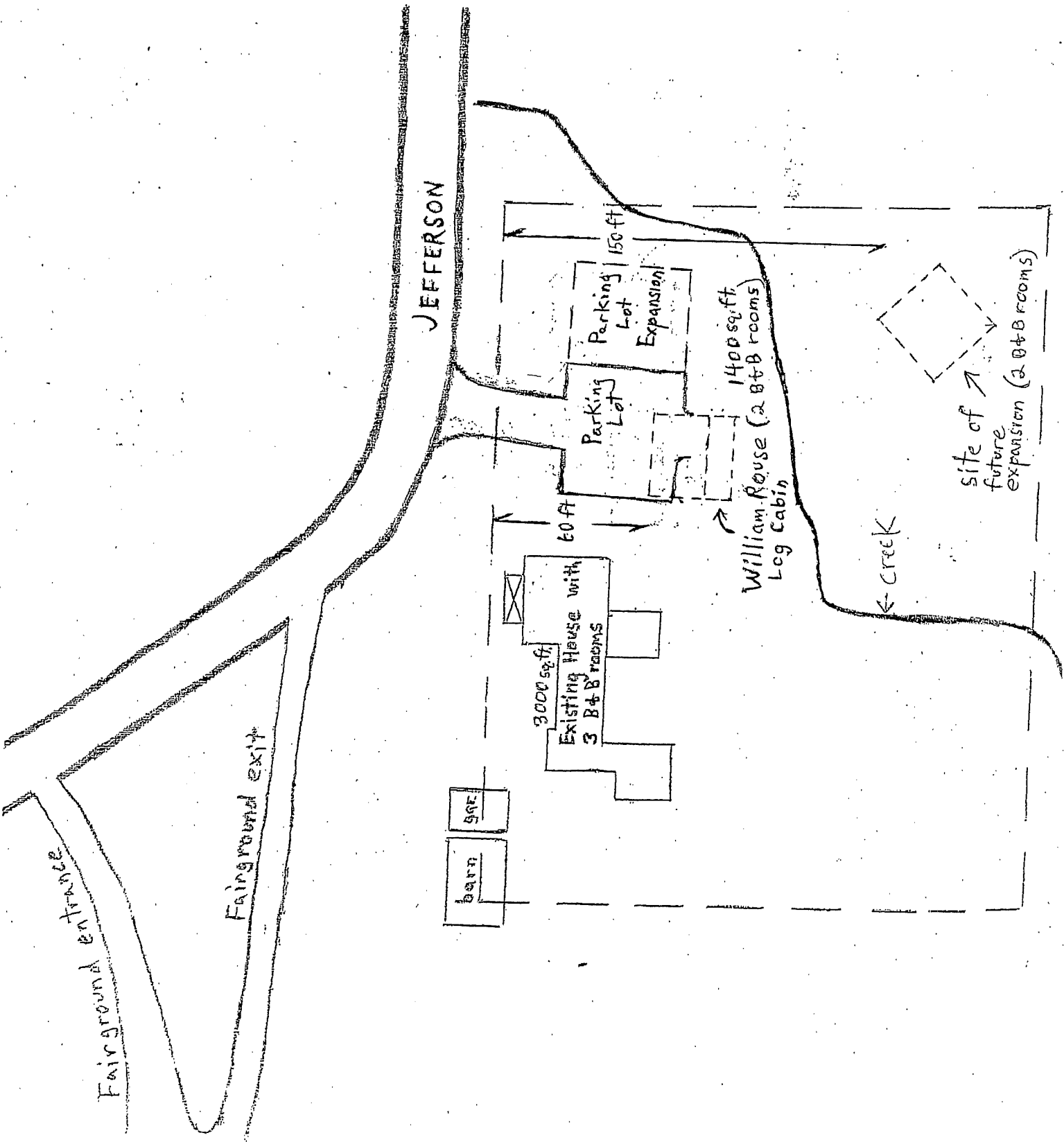
**5825 Jefferson Street  
Site Vicinity Map**



1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 25, 2002



JEFFERSON



Fairground entrance

Fairground exit

barn  
gar

3000 sq. ft.  
Existing House with  
3 B+B rooms

60 ft

Parking  
Lot

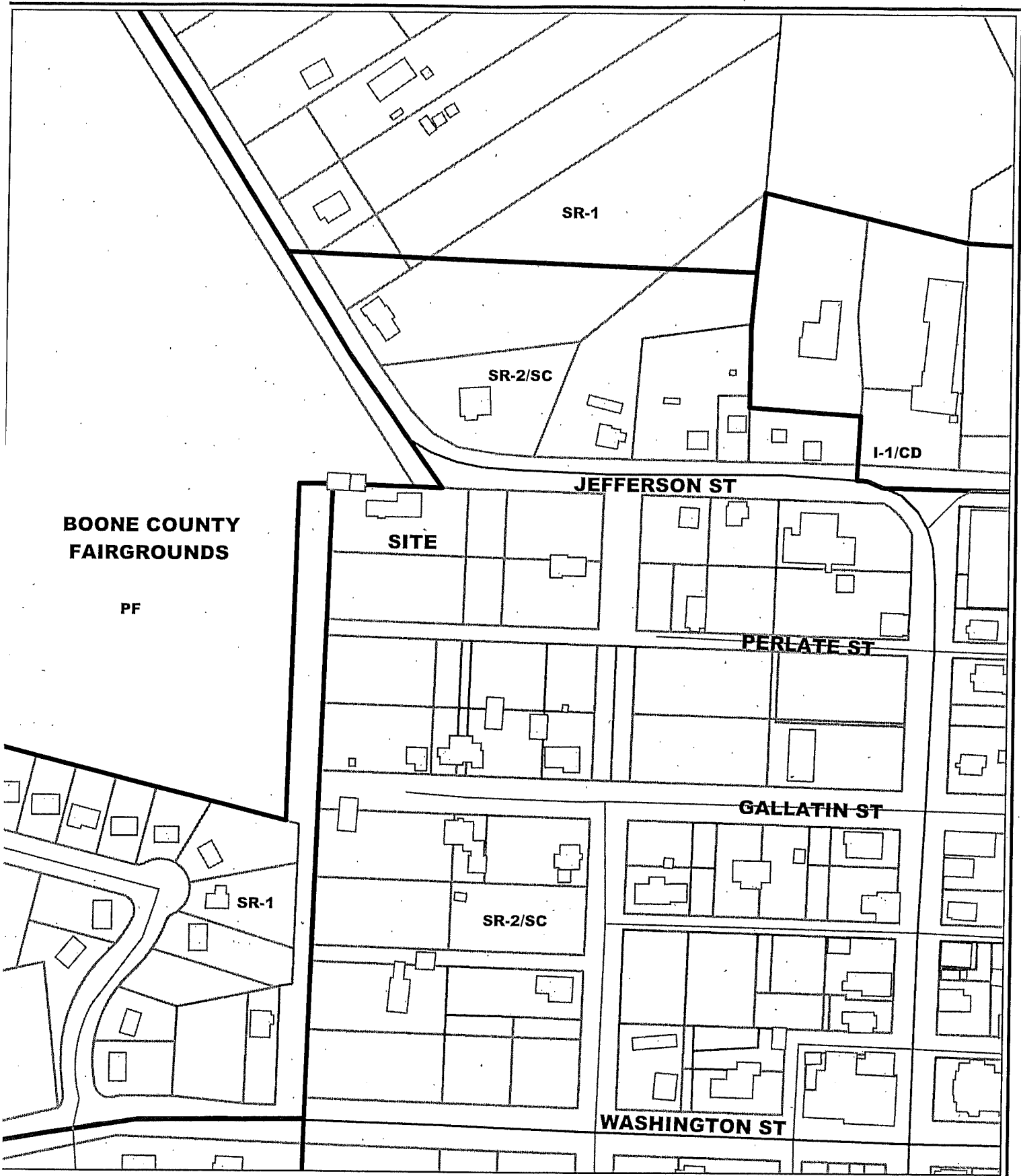
150 ft

Parking  
Lot  
Expansion

1400 sq. ft.  
William Rouse (2 B+B rooms)  
Log Cabin

← CREEK

site of  
future  
expansion (2 B+B rooms)



**BOONE COUNTY  
FAIRGROUNDS**

PF

**SITE**

SR-1

SR-2/SC

I-1/CD

**JEFFERSON ST**

**PERLATE ST**

**GALLATIN ST**

**WASHINGTON ST**

SR-1

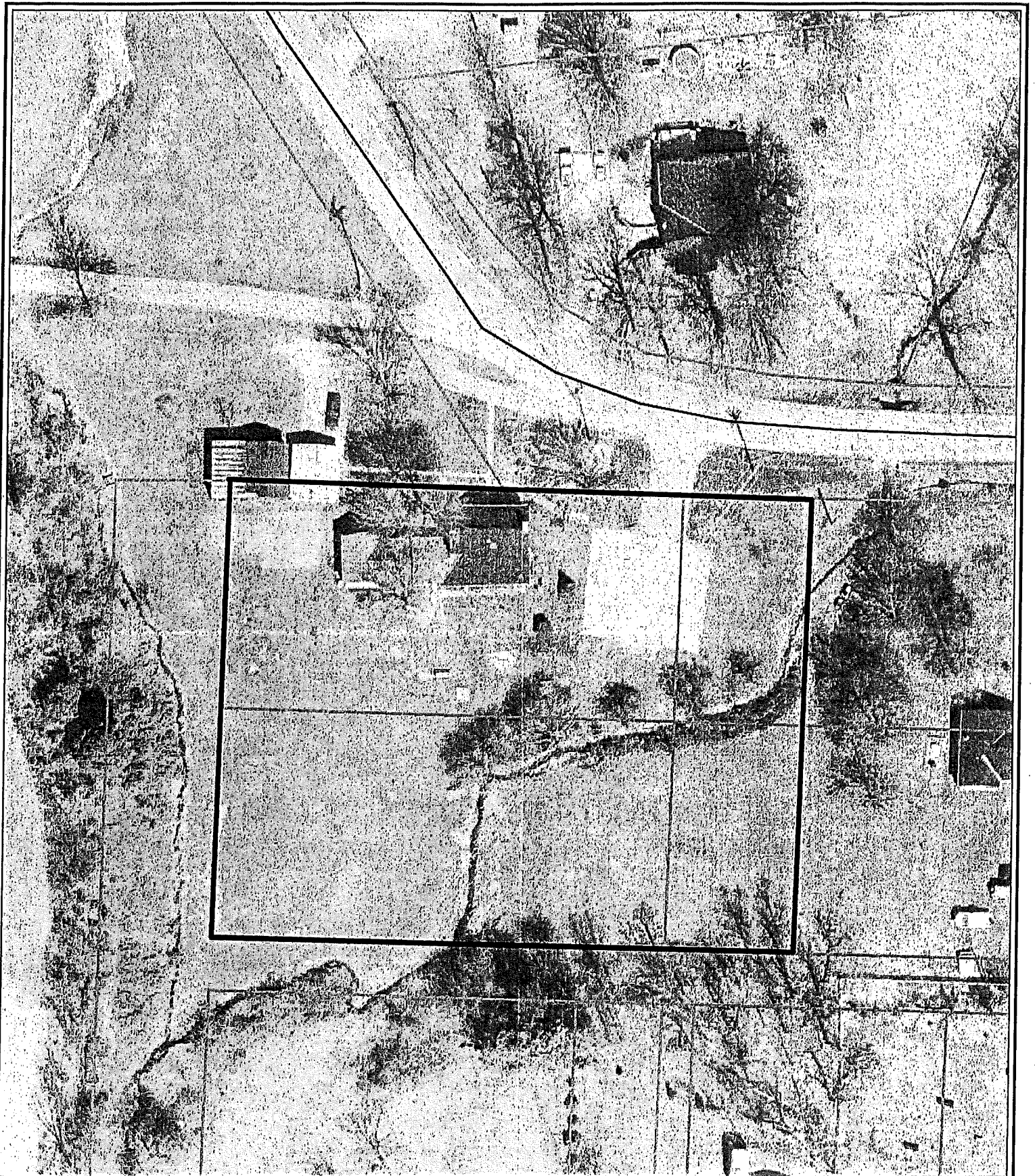
SR-2/SC

200 0 200 Feet

**5825 Jefferson Street  
Zoning Map**

1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 25, 2002



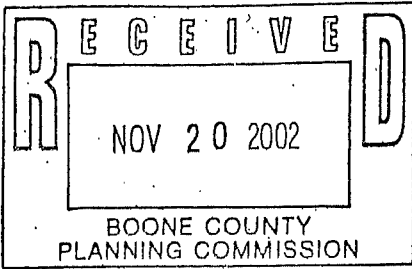


# 5825 Jefferson Street Aerial Map

60 0 60 Feet

1 inch equals 60 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 25, 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 [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) \_\_\_\_\_ Conditional Use Permit \_\_\_\_\_ Variance [checked] Appeal \_\_\_\_\_
3. Applicant's Name Robert L. & Nancy E. Swartzel
4. Description of Request: up to 150 feet setback from front property line for new bed & breakfast buildings
5. Name of Development Burlington's Willis Graves Bed & Breakfast
6. Location of Development 5825 Jefferson, Burlington, KY 41005
7. Acreage Under Review 1/2
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Burligrave, Inc
10. Address of Property Owner Burlington KY 41005
11. Proposed Use(s) on Site Bed & Breakfast Inn
12. Total Square Footage of Existing and/or Proposed Buildings 1400 & 1500
13. Current Zoning on Property SR 2/SC
14. Deed Book 468 Page No. 164 Group No. 2029
15. Is the site subject to a zone change? no; conditional use permit
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 Swartzel

Property Owner's Signature: Robert Swartzel / Nancy E. Swartzel

COPY

CLUR #02-BCBOA-027-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Burligrave, Inc.  
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

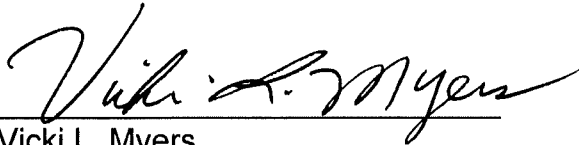
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

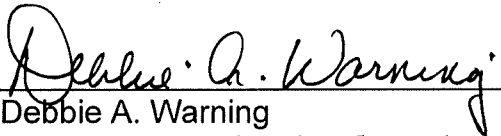
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 12 day of December, 2002.



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 Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of December 11, 2002 Certificate of Land Use Restriction (#02-BCBOA-027-A), for Burligrave, Inc., Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 468

PAGE NO. 164

GROUP NO. 2024