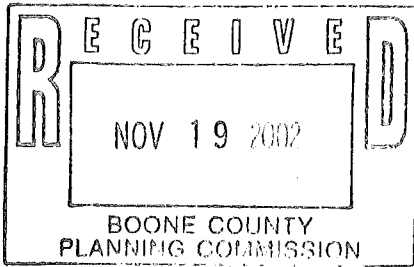


APPLICATION FORM



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 [X] Florence [] Walton [] Union []
2. (Check One) Conditional Use Permit [X] Variance [] Appeal []
3. Applicant's Name: The Roscoe Group, LLC; Phone Number: (859) 586-5550; Fax No.: (859) 586-8621; Applicant's Address: 3688 Akin Lane, Burlington, Ky. 41005
4. Description of Request: Restaurant use for Old Burlington Hardware Building
5. Name of Development: The County Seat Restaurant
6. Location of Development: 5991 Jefferson Street, Burlington, Ky 41005
7. Acreage Under Review: N/A
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property: The Roscoe Group, LLC; Phone Number of Owner: 859-586-5550
10. Address of Property Owner: 3688 Akin Lane, Burlington Ky. 41005
11. Proposed Use(s) on Site: Bldg. now vacant, previously Burlington Hardware for 58 years, restaurant prior to that, Hotel originally
12. Total Square Footage of Existing and/or Proposed Buildings: 5000
13. Current Zoning on Property: SC Overlay
14. Deed Book: 829; Page No.: 633; Group No.: 2024
15. Is the site subject to a zone change? NO
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: [Handwritten Signature]

Property Owner's Signature: [Handwritten 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 11-19-02 Fee Received \$569.00 R# 33540
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
12-11-02 **Approved with Conditions (See #6)**
 Denial (See #7)
6. Conditions of Approval: SEE 12-11-02 BCBOA
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: The Roscoe Group, LLC
LOCATION: 5991 Jefferson Street, Boone County, KY
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)
DATE: December 11, 2002

Proposal

The Applicants are requesting a Conditional Use Permit to allow a 126 seat, sit-down restaurant to operate out of the former Burlington Hardware building. The kitchen, restrooms, storage space, and seating areas are proposed to occupy the bottom floor of the building, which is approximately 5,200 square feet in area. A 225 square foot breakroom and office are being proposed on the second floor.

The Applicants have explained to Staff that the remaining floor space on the second floor will continue to be comprised by a 1,200 square foot, two-bedroom apartment and 2,575 square feet of vacant space. The apartment and vacant space are not part of the request. The approximate 0.24 acre site is located at 5991 Jefferson Street and is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC).

Applicable Regulations

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 as specified by the zoning order.

Article 20, Section 2012 of the Boone County Zoning Regulations permits "eating and drinking places" as a conditional use within the Small Community Overlay (SC) district when the business is locating within an existing building that is larger than 2,500 square feet and requires more than 10 parking spaces.

Article 33, Section 3325 of the Boone County Zoning Regulations requires eating and drinking establishments to provide one parking stall for every two seats in the restaurant. The two-bedroom apartment is required to have two parking stalls.

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.

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 20, Section 2012 of the Boone County Zoning Regulations allows dental offices, professional services, 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 as a mixture of "Commercial" and "Public/Institutional" uses. These designations are described as follows:

Commercial – "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Public/Institutional – "Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.

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."

Surrounding Land Uses and Zoning

North: Union Square, Farmers Mutual Insurance, Sandwich Shoppe (SR-2/SC)

South: Washington Street and Burlington Baptist Church Parking Lot (SR-2/SC)

East: Jefferson Street and the Old Courthouse (SR-2/SC)

West: Union Square and Residential Dwellings (SR-2/SC)

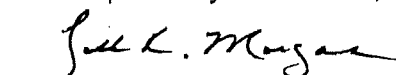
Staff Comments

1. The Applicants have provided Staff with a copy of a letter from Jim Parsons which indicates that the county has granted the proposed restaurant permission to utilize the public parking near the building.
2. If the Board approves the request, Staff recommends a condition which would require Staff Design Review for any proposed or future exterior changes to the building. The review would be conducted by the Rural/Open Space Planner.
3. If the Board approves the request, the Applicants will need to submit a minor Site Plan to the Boone County Planning Commission. This plan will need to address the installation of a handicapped ramp along Jefferson Street and the impact it will have on the parking area against the building. Staff will need a letter or encroachment permit from the Kentucky Transportation Cabinet to approve the plan.

Conclusion

KRS 100.237 and Section 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. It is Staff's opinion that the granting the Conditional Use Permit will not change the essential character of the area.

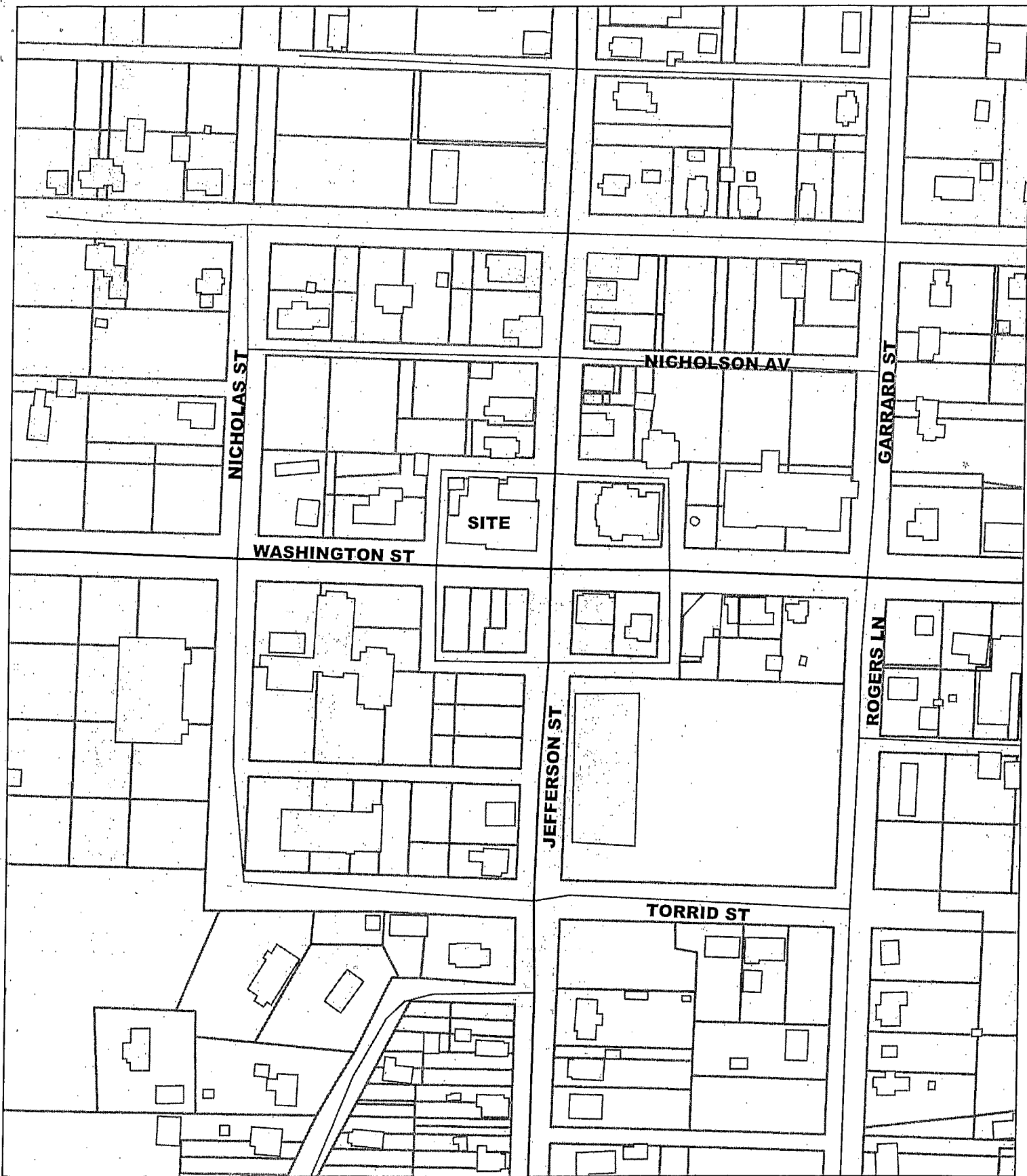
Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicants
- Exhibit C – Concept Development Plan (Interior)
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Aerial Map
- Exhibit G – Letter from Jim Parsons
- Exhibit H – Application



The Roscoe Group Site Vicinity Map

200 0 200 Feet



1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 2, 2002



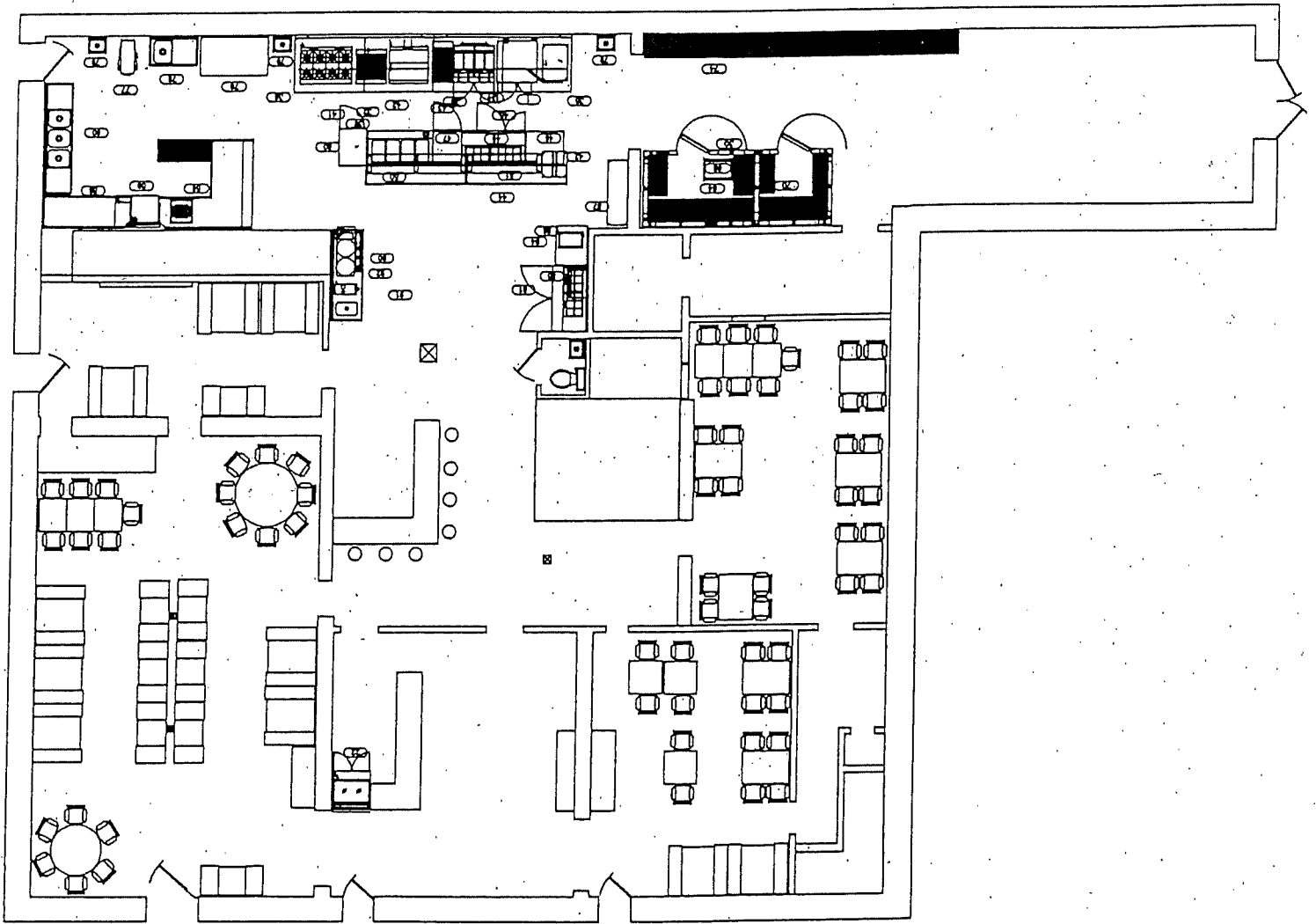
There is an existing second floor apartment in the Old Hardware Building which has been there for at least 50 years. We have renovated and upgraded by replacing the deteriorated windows with historically correct windows and added wooden levelor blinds so that all windows would have a similar appearance from the street. We removed the window A/C units and added central air for the apartment. We replaced kitchen cabinets, sink, several ceiling fans and the shower unit. We separated the electric from the downstairs so that the apartment can regulate it's own central air and electric. A water heater was added for the apartment with heat and water being furnished from the hardware building.

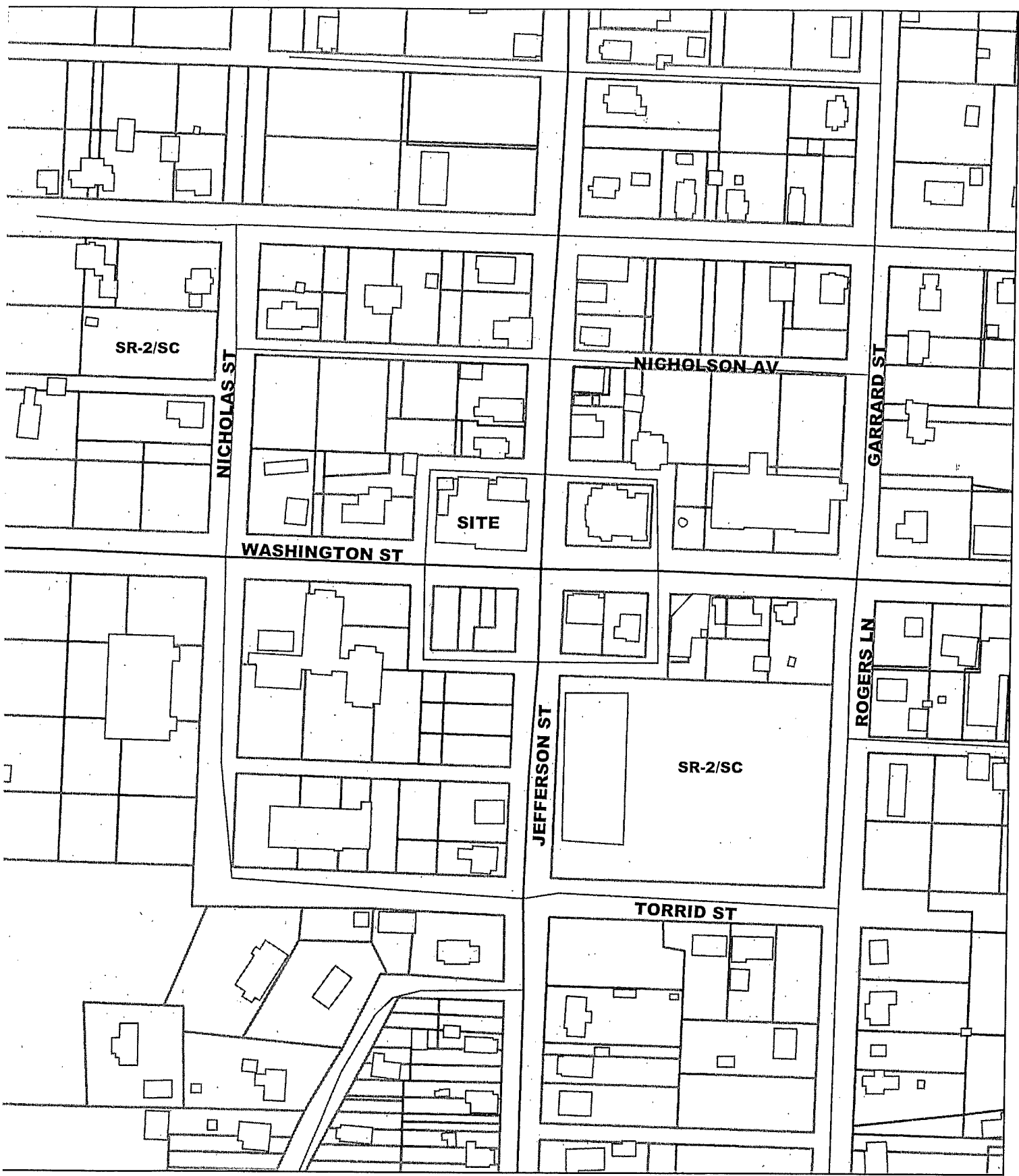
As for the exterior of the building, we removed the awning that surrounded the building, replaced the roof, and changed the exterior color to reflect new use while taking measures to insure the color would be compatible with other historic structures. In a picture provided by Matt Becher, the building circa 1900 had shutters on all windows. We are going to attempt to duplicate them in green which is the accent color used on Earl's Barber Shop and CoCo's Sandwich Shoppe, all projects of The Roscoe Group, LLC.

The first floor which will be used for the restaurant has approximately 5200 sq. ft. We intend to have seating for 126 people. Also we are installing two handicap accessible restrooms. We only intend to use one room upstairs for a small office and break room for employees. This was previously used for screen cutting or glass cutting by the hardware operators.

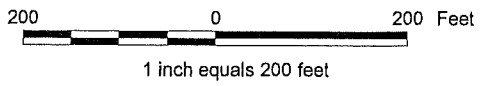
The hardware building, originally built as a hotel around 1840 called the Central House has always been an anchor of the business district in Burlington. The building served the community as a restaurant prior to becoming a dry goods, appliance, and hardware store in the 1940's. Then in the 1960's the use reverted to hardware only and continued until April 2002.

Our intention is to retain the historical features of the premises while continuing to be a solid business anchor. Our hours will be from 6:30 or 7:00 a.m. to 9:00 p.m. Monday through Saturday and 11:00 a.m. to 7:00 p.m. on Sunday.



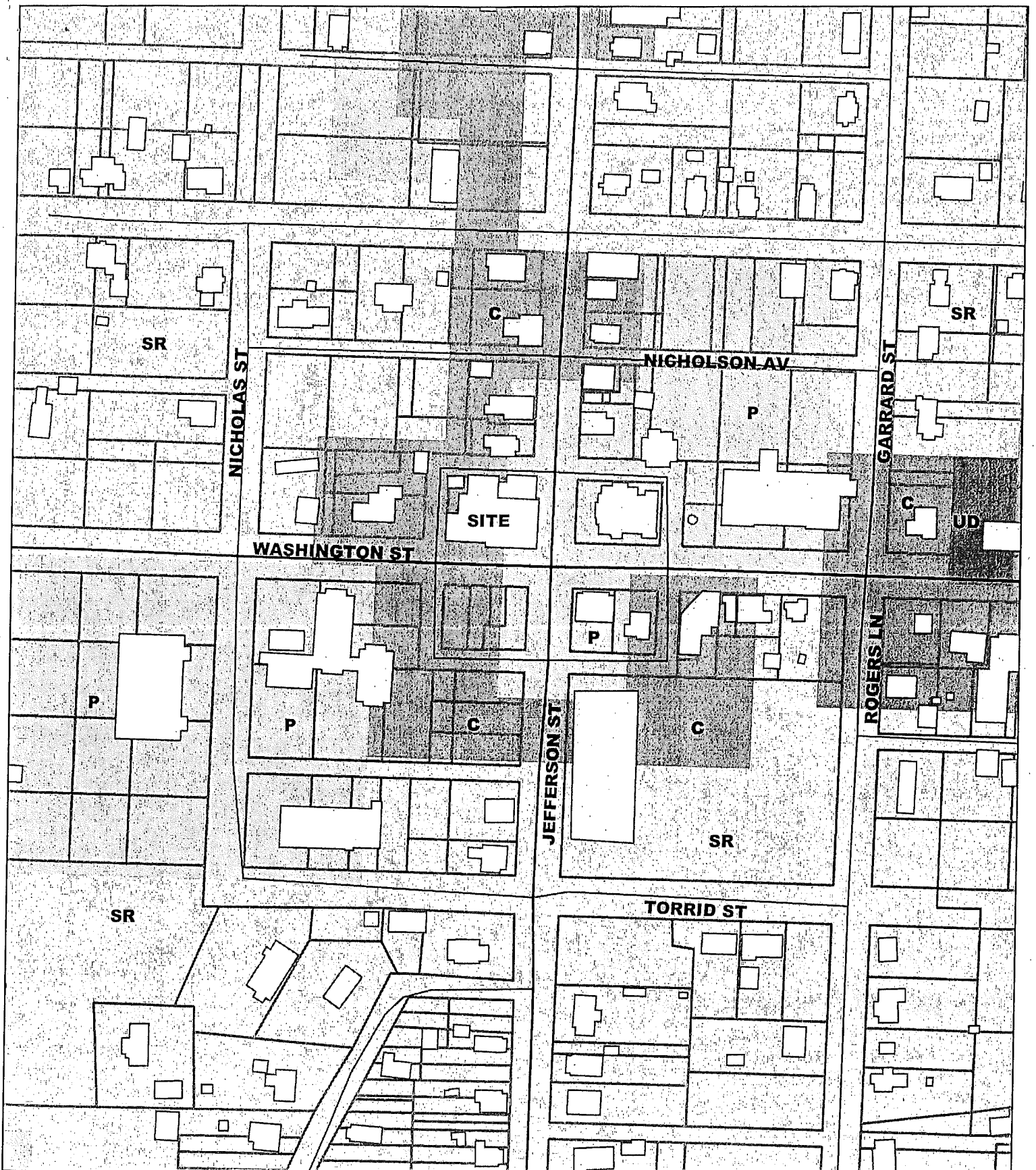


The Roscoe Group Zoning Map



Produced by the
Boone County Planning Commission
GIS Services Division
December 2, 2002





The Roscoe Group Future Land Use Map

200 0 200 Feet



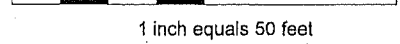
1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 2, 2002



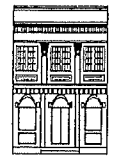


50 0 50 Feet



1 inch equals 50 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 2, 2002

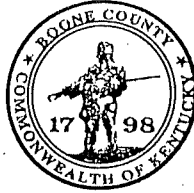


The Roscoe Group Aerial Map

GARY W. MOORE
County Judge-Executive
(859) 334-2240

JAMES E. PARSONS
County Administrator
(859) 334-2240

JOHN M. STANTON
Deputy County Administrator
(859) 334-2282



OFFICES OF THE COUNTY JUDGE EXECUTIVE

www.BooneCountyKy.org

P.O. Box 900
Burlington, KY 41005
FAX (859) 334-3105

CATHY H. FLAIG
Commissioner
District 1

CHARLES E. KENNER, DMD
Commissioner
District 2

DR. TIM HAMILTON
Commissioner
District 3

May 23, 2002

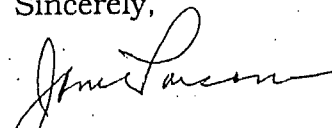
Ms. Arlene Akin Jones
3688 Akin Lane
Burlington, KY 41005

Dear Arlene:

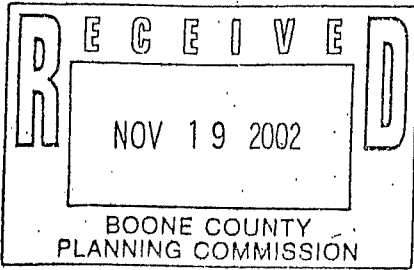
Reference is made to your letter regarding the conversion of the Burlington Hardware store building into a restaurant and requesting the use of available county public parking to support the project. The county hereby grants permission to utilize the public parking near the Burlington Hardware building for your project.

Good luck with your plan and should you need anything further from the County please do not hesitate to contact me.

Sincerely,


James E. Parsons
County Administrator

cc: Judge/Executive Gary Moore
Kevin Wall



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 _____
3. Applicant's Name The Roscoe Group, LLC
Phone Number (859) 586-5550 Fax No. (859) 586-8621
Applicant's Address 3688 Akin Lane Burlington Ky 41005
4. Description of Request: Restaurant use for Old Burlington Hardware Building
5. Name of Development The County Seat Restaurant
6. Location of Development 5991 Jefferson Street, Burlington, Ky 41005
7. Acreage Under Review N/A
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property The Roscoe Group, LLC
Phone Number of Owner 859-586-5550
10. Address of Property Owner 3688 Akin Lane, Burlington Ky 41005
11. Proposed Use(s) on Site Bldg now vacant, previously Burlington Hardware for 58 years, restaurant prior to that, Hotel originally
12. Total Square Footage of Existing and/or Proposed Buildings 5300
13. Current Zoning on Property SC Overlay
14. Deed Book 839 Page No. 632 Group No. 2024
15. Is the site subject to a zone change? NO
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: Cyrene Akin Jones for The Roscoe Group LLC

Property Owner's Signature: The Roscoe Group LLC by Cyrene Akin Jones

COPY

CLUR #02-BCBOA-028-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
The Roscoe Group, LLC
3688 Akin Lane
Burlington, KY 41005

2. ADDRESS OF PROPERTY
5991 Jefferson Street
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
The County Seat

4. DEED BOOK 829 PAGE NO. 632 GROUP NO. 2024

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



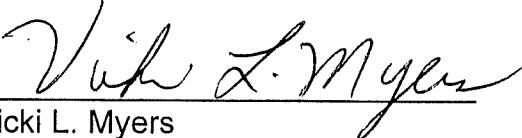
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

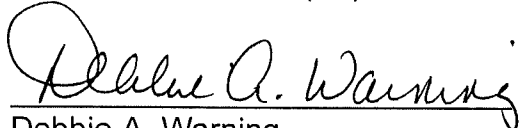
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 18 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 Conditional Use Permit 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-028-A), for The Roscoe Group, LLC, Property Owner(s).

The following conditions will apply:

- 1) The Applicants have provided Staff with a copy of a letter from Jim Parsons which indicates that the county has granted the proposed restaurant permission to utilize the public parking near the building.
- 2) Staff Design Review is required for any proposed or future exterior changes to the building. The review is to be conducted by the Rural/Open Space Planner.
- 3) The Applicants are required to submit a minor Site Plan to the Boone County Planning Commission. This plan will need to address the installation of a handicapped ramp along Jefferson Street and the impact it will have on the parking area against the building. Staff will need a letter or encroachment permit from the Kentucky Transportation Cabinet to approve the plan.

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

DEED BOOK 829

PAGE NO. 632

GROUP NO. 2024