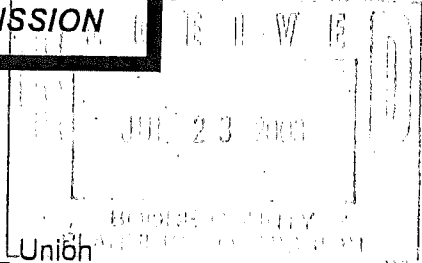


APPLICATION FORM

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 _____ Appeal _____
Change in Non-Conforming Use [checked]
3. Applicant's Name GREGORY T. LLOYD
Phone Number 859-689-4700 Fax No. 859-689-2777
Applicant's Address 2952 ERNST LANE
HEBRON, KY 41048
4. Description of Request: TO CHANGE THE FACILITIES CURRENTLY OCCUPIED BY THE HEBRON ANIMAL HOSPITAL TO A BOARDING KENNEL FACILITY
5. Name of Development HEBRON ANIMAL HOSPITAL
6. Location of Development 2952 ERNST LANE, HEBRON, KY 41048
7. Acreage Under Review 4.67
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property PAUL B. ALTEMUEHLE
Phone Number of Owner 859-689-9878
10. Address of Property Owner HEBRON, KY 41048
City State Zip
11. Proposed Use(s) on Site BOARDING KENNEL
12. Total Square Footage of Existing and/or Proposed Buildings 2760 ft^2
13. Current Zoning on Property SR-1
14. Deed Book 235 Page No. 13 Group No. 2010
15. Is the site subject to a zone change? NO
If yes, give date of approval
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: Gregory T. Lloyd
Property Owner's Signature: Paul B. Altemuehle

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 7-23-03 Fee Received \$435.00 R# 36011
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ Approved
8/13/03 Approved with Conditions (See #6)
_____ Denial (See #7).
6. Conditions of Approval: SEE B.C. 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: Gregory T. Lloyd
LOCATION: 2952 Ernst Lane, Boone County, KY
ZONING: Suburban Residential One (SR-1)
DATE: August 13, 2003

PROPOSAL

The request is for a Change in Non-Conforming Use so that Hebron Animal Hospital can be converted into a kennel facility and dog grooming parlor. The property in question is located at 2952 Ernst Lane, Boone County, Kentucky.

The Applicant has provided a letter (see attachments) which indicates that no additions are being proposed to the approximate 2,760 square foot building and that the kennel would house up to 20 cats and 60 dogs. The animals would be housed indoors at all times, but would be exercised outdoors between 7 a.m. and 9 p.m. The applicant has also indicated that he is willing to install a sound barrier or fencing on the northeast property line to reduce noise to the adjoining residential subdivision.

APPLICABLE REGULATIONS

Section 220 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 changes in non-conforming use.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 272 of the Boone County Zoning Regulations states that where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted.

K.R.S. 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

2. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Article 2, Section 273 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 to permit a change from one nonconforming use to another. The Board shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use. The Board shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use. In permitting such a change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation."

Article 9, Section 931 of the Boone County Zoning Regulations does not list animal hospitals, commercial kennels, or dog grooming facilities as principally permitted uses in the Suburban Residential One (SR-1) zoning district.

Article 9, Section 933 of the Boone County Zoning Regulations does not list animal hospitals, commercial kennels, or dog grooming facilities as conditional uses in the Suburban Residential One (SR-1) zoning district.

SITE HISTORY

On February 21, 1990, the Boone County Planning Commission approved a Site Plan allowing Hebron Animal Hospital to be reconstructed after the building was burnt down in a fire. The Site Plan indicates that the outdoor kennel areas will be removed.

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 "Suburban Residential" uses. These designations are described as follows:

Suburban Residential – "single family housing of up to 4 units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

SITE CHARACTERISTICS

The 4.67 acre property contains a single-family dwelling, animal hospital, and shed and is located at the end of Ernst Lane. The property contains a mature deciduous tree line which screens the subject property from the adjoining single-family residences.

SURROUNDING LAND USES & ZONING

North: Vacant 3.79 acre tract owned by the same property owner (SR-1)

South: Single Family Residential Dwelling & Huff Floor Covering (C-2/SC)

East: Single-Family Dwellings in Ridgefield Subdivision (SR-1)

West: New Life Tabernacle Church (SR-1)

STAFF COMMENTS

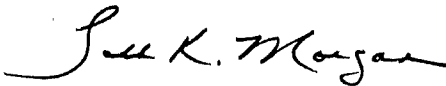
1. Staff would like the applicant to better explain how the dogs are exercised. Are they exercised individually or in groups? Will they be walked by a Staff member or are they fenced in an area for a period of time? In what area of the property will the dogs be exercised?
2. Staff would like the applicant to better explain where he is proposing to install the sound barrier/fencing. If the project is approved, Staff recommends that 6 foot tall security fencing should be installed adjacent to the eastern property line, between the single-family residence and the rear property line. Staff believes that the fencing should be located in front of the deciduous tree line. This location will keep the dogs further away from the adjoining residential lots.

3. Section 3755 of the Boone County Zoning Regulations states that the maximum permitted height of a fence within the side and rear yards of a residential lot is 6 feet.
4. The Board needs to analyze if the proposed change to a kennel and grooming facility is more objectionable than the pre-existing animal hospital. Staff believes that the applicant's explanation of the "exercising" is key in determining if the new use will have a greater impact on the adjoining residential property owners than the pre-existing use.

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 Change of Non-Conforming Use.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

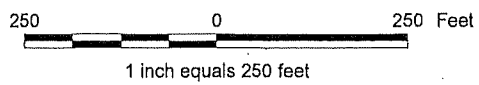
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – Aerial Map
- Exhibit D – Zoning Map
- Exhibit E – Future Land Use Map
- Exhibit F – Application



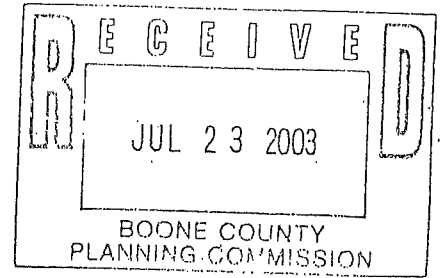
2952 Ernst Lane Site Vicinity Map



Produced by the
Boone County Planning Commission
GIS Services Division
July 31, 2003



Hebron Animal Hospital, PSC
PO Box 66
2952 Ernst Lane
Hebron, KY 41048



July 22, 2003

Boone County Board of Adjustment

Dear Boone County Board of Adjustment,

Subject: Change of Non-Conforming Use

I am submitting my application for Change of Non-Conforming Use of the property located on 2952 Ernst Lane, currently operating as the Hebron Animal Hospital. Increasing growth of our community and the business of the Hebron Animal Hospital has given me just cause to consider relocating this business to another location for the purpose of expansion.

The current facilities have been in existence since 1990, after a fire destroyed the previous facilities. The previous facilities had been present before 1977, and were used as a boarding kennel. Dr. Paul Altemuehle purchased this property in August of 1977, and expanded its use to include the practice of veterinary medicine. After rebuilding the facility in 1990, Dr. Altemuehle discontinued the boarding kennel service. The lot in question is approximately 6 acres, and includes the animal hospital, a house (Dr. Altemuehle's residence), detached garage, pond, and a barn that is used for equipment storage.

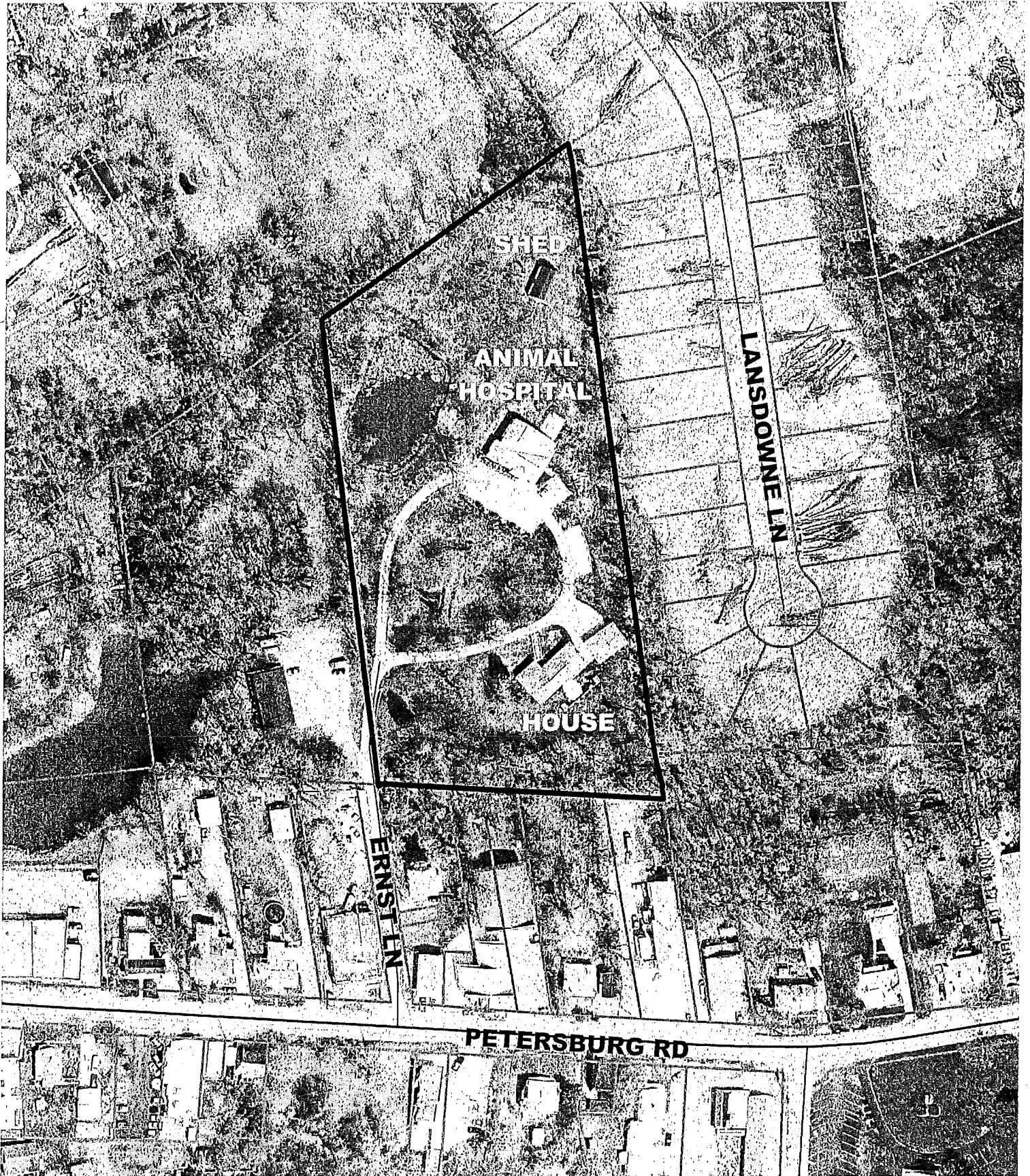
My intentions are to use the building currently occupied by the Hebron Animal Hospital as a Boarding Kennel Facility and possible dog grooming parlor, without increasing the square footage of the facilities. I believe this is a service that our community needs and would welcome, particularly welcomed by the traveling needs of the patrons of the Greater Cincinnati International Airport. I feel that in the interest of the surrounding residences, allowances on my part would be made to minimize any "nuisance" factors. The animals would be housed indoors at all times, but be exercised outdoors, restricted to the hours of 7 a.m. to 9 p.m. Furthermore, I would be willing to place sound barriers to the northeast of the facility to reduce any noises that may affect Lansdowne Lane. The only improvements to the facility necessary other than described above, would be to place more secure fencing to prevent juvenile intruders, and canine escapees, and to remodel the interior. I believe the change in businesses at this location would benefit the immediate adjoining properties in that I would expect a greatly reduced traffic burden versus what currently exists, and reduced animal noise with the sound barriers. My expectations are for the boarding kennel, if approved, would not exceed the housing of 20 cats, and 60 dogs. If approved, I expect renovations to begin January of 2005.

I therefore gratefully request your consideration of my proposal.

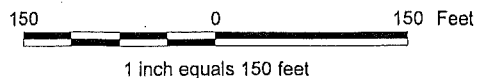
Sincerely,

A handwritten signature in black ink, appearing to read "Gregory T. Lloyd".

Dr. Gregory T. Lloyd

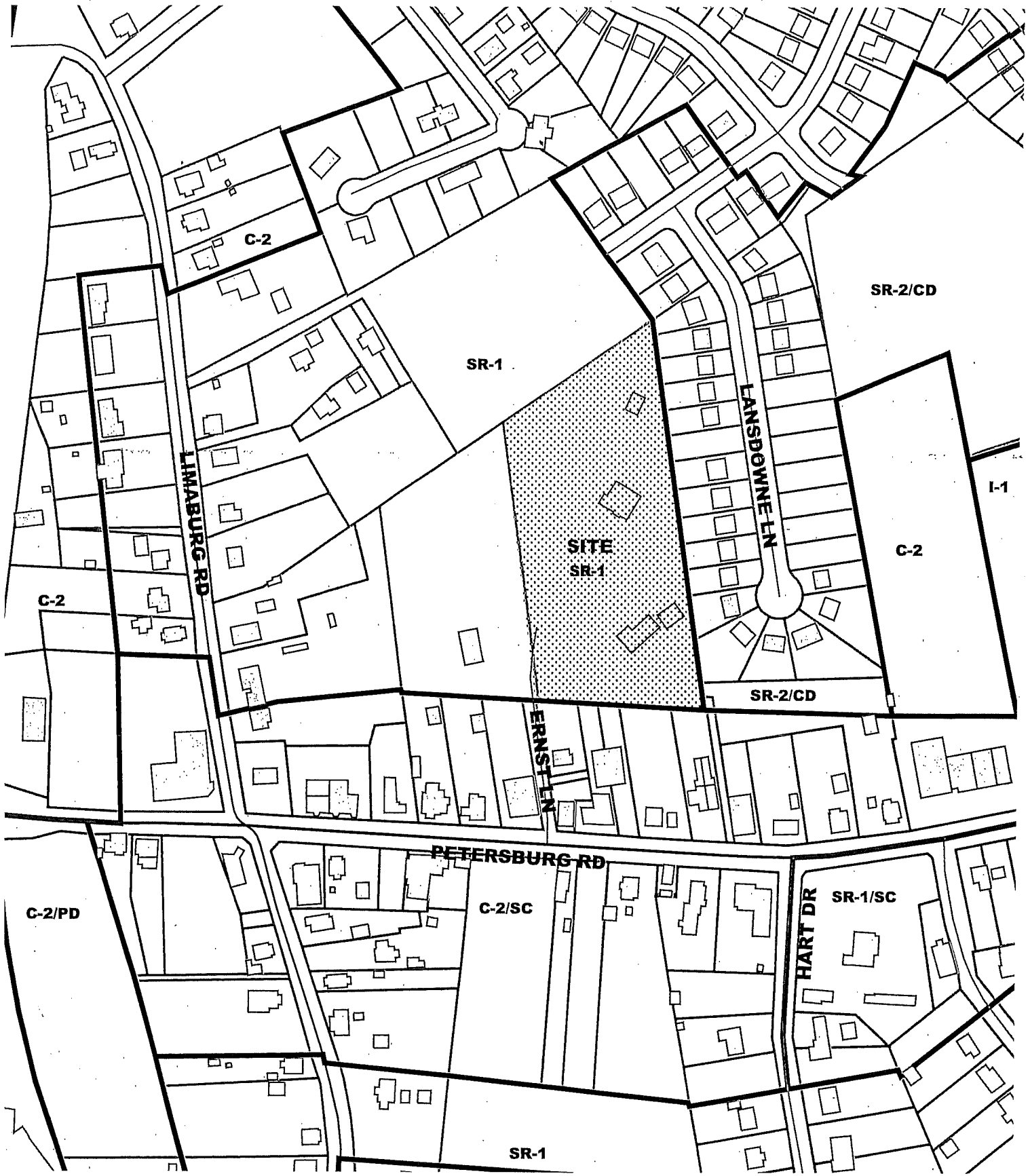


2952 Ernst Lane Aerial Map

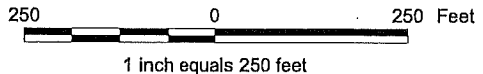


Produced by the
Boone County Planning Commission
GIS Services Division
July 31, 2003



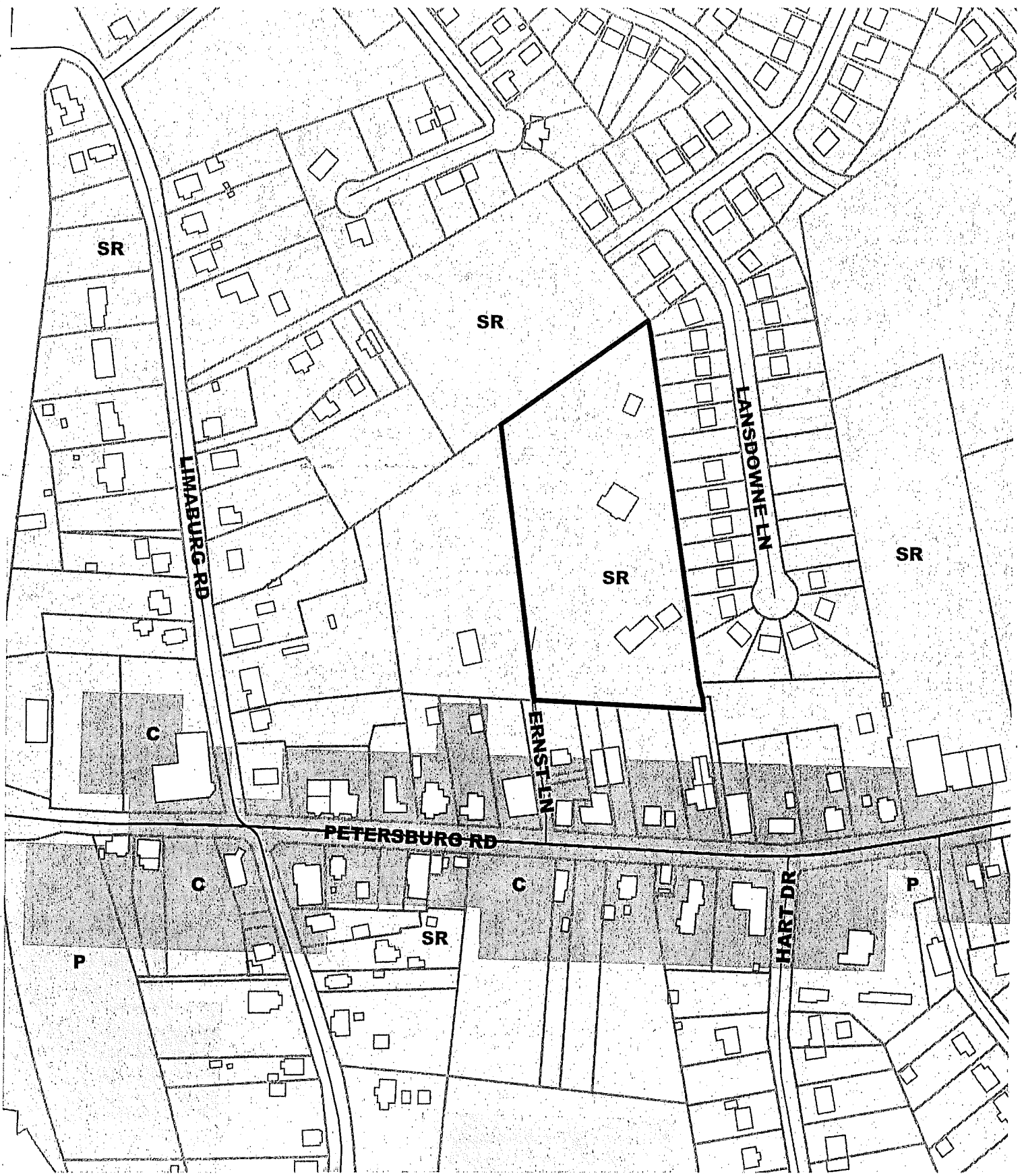


2952 Ernst Lane Zoning Map

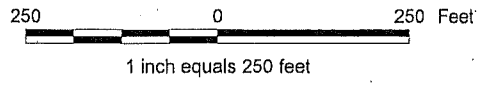


Produced by the
Boone County Planning Commission
GIS Services Division
July 31, 2003





2952 Ernst Lane Future Land Use Map



Produced by the
Boone County Planning Commission
GIS Services Division
July 31, 2003



APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
JUL 23 2003
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 _____
 Change in Non-Conforming Use
- 3. Applicant's Name GREGORY T. LLOYD
Phone Number 859-689-4700 Fax No. 859-689-2777
Applicant's Address 2952 ERNST LANE
HEBRON, KY 41048
City State Zip
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- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property PAUL B. ALTEMUEHLE
Phone Number of Owner 859-689-9878
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City State Zip
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- 14. Deed Book 235 Page No. 13 Group No. 2010
- 15. Is the site subject to a zone change? NO
If yes, give date of approval _____
- 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: Gregory T. Lloyd

Property Owner's Signature: Paul B. Altemuehle

COPY

CLUR #03-BCBOA-015-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Paul B. Altemuehle
2952 Ernst Lane
Hebron, KY 41048

2. ADDRESS OF PROPERTY

2952 Ernst Lane
Hebron, KY 41048

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Hebron Animal Hospital

4. DEED BOOK 235

PAGE NO. 13

GROUP NO. 2010

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: Change in Non-Conforming Use

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

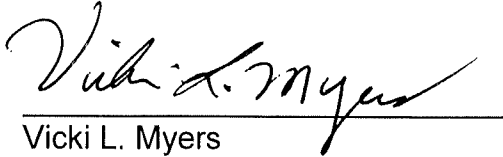

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

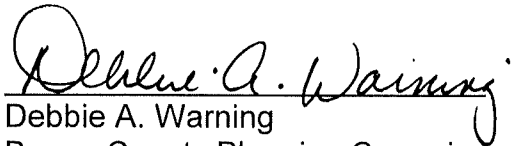
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 20 day of August, 2003.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 Change in Non-Conforming Use approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of August 20, 2003 Certificate of Land Use Restriction (#03-BCBOA-015-A), for Paul B. Altemuehle, Property Owner(s).

The following conditions will apply:

- 1) A six (6) foot tall sound barrier/security fence is to be installed as depicted on Exhibit 1.
- 2) The maximum height of the sound barrier/fencing shall not exceed six (6) feet.
- 3) The hours of operation are 7 AM to 9 PM.
- 4) There are to be no more than six dogs outside at one time that are under the care and custody of the facility.
- 5) A Minor Site Plan Review is required showing the areas of fencing to be in accord with the drawing submitted by the applicant.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 235

PAGE NO. 13

GROUP NO. 2010