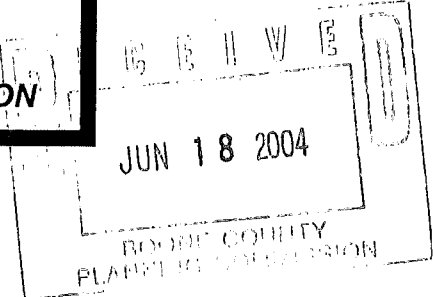


APPLICATION FORM

**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)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 _____ Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use
 - Applicant's Name Anne P. McBee
Phone Number 586-6444 Fax No. 586-6444 or 525-1475
Applicant's Address 2342 Burlington, Pike
Burlington, Ky. 41005
City State Zip
 - Description of Request: Requesting permission to enlarge garage and master bedroom to make it more senior citizen friendly for health.
 - Name of Development n/a
 - Location of Development _____
 - Acreage Under Review 5.51
 - Lot Number and Name of Subdivision (if part of a subdivision)
2342 Burlington PK.
 - Owner of Property Willaim K. and Anne P. McBee
Phone Number of Owner 586-6444
 - Address of Property Owner 2342 Burlington, Pike
Burlington, Ky. 41005
City State Zip
 - Proposed Use(s) on Site residence
 - Total Square Footage of Existing and/or Proposed Buildings 2500 + 2000
 - Current Zoning on Property R
 - Deed Book 655 Page No. 214 Group No. 2025
 - Is the site subject to a zone change? No
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? no
 - Have you submitted a list of adjoining property owners with this request? yes
 - 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: Anne P. McBee

Property Owner's Signature: Anne P. McBee

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 6-18-04 Fee Received \$ 535.00 # 39236
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:

7/14/04 Approved
7/14/04 Approved with Conditions (See #6)

Denial (See #7).
6. Conditions of Approval: SEE 7/14/04 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: Anne P. McBee
LOCATION: 2342 Burlington Pike, Boone County, Kentucky
ZONING: Recreation (R)
DATE: July 14, 2004

PROPOSAL

The Applicant is requesting a Conditional Use Permit so she can construct up to a 2,000 square foot addition onto her 2,500 square foot single-family residence. The subject property is 5.212 acres in area and is located at 2342 Burlington Pike, Boone County, Kentucky.

SITE CHARACTERISTICS

The 5.212 acre site contains a 2,500 square foot single-family residence which was built in 1969. The site is heavily wooded with deciduous trees and has a concrete driveway which connects to KY 18.

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 2, Section 277 of the Boone County Zoning Regulations states that "any pre-existing use which is permitted as a conditional use in a district under the terms of this order shall not be deemed a non-conforming use in such a district, but shall without further action be considered a conforming use. However, a Conditional Use Permit must be granted by the Board of Adjustment and Zoning Appeals before such a use can be expanded in size or scope."

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.

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 (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 7, Section 713 of the Boone County Zoning Regulations allows "single family dwelling units" as conditional uses in the Recreation (R) district 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 of permitted and accessory uses to be protected in the district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The following Goals and Objectives from the 2000 Boone County Comprehensive Plan apply to the application:

- A. "Proper design principles shall be applied in development" (Overall, Objective).
- B. "Safe, environmentally sound, and sanitary housing exists for all Boone County residents" (Housing, Goal).
- C. "Existing vegetation shall be considered both an important site characteristic and a community resource (Environment, Social Objective).

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Recreation" and "Urban Density Residential" uses. These designations are described as follows:

Recreation – "Public and commercial outdoor recreation including golf courses, parks, race tracks, etc."

Urban Density Residential – "Attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

SURROUNDING LAND USES & ZONING

North: Boone Woods Park (R)

South: KY 18, Single-Family Residential Dwellings (C-2), and Gold Star (C-2)

East: YMCA (R)

West: Darlington Farms (C-2 & UR-1/CD)

STAFF COMMENTS

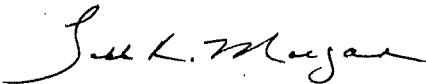
1. The Applicant provided Staff with a letter (see attachments) indicating that the owners plan to make the residence "more senior citizen friendly." The proposed addition will allow greater handicapped accessibility and an elevator to connect the garage and master bedroom.
2. The Applicant provided Staff with a Concept Development Plan that shows that the addition will be constructed onto the eastern facade. The Applicant informed Staff that this drawing is preliminary and the final layout may be substantially different than what is shown on the Concept Development Plan.
3. The location of the addition will require a large deciduous tree to be removed. It may also require the relocation of a fence.
4. If the Board grants the Conditional Use Permit, Staff recommends the following conditions:

- a. The construction materials of the addition will be as presented ("Brick construction with windows and shutters similar to the existing shutters and windows").
- b. A Zoning Permit will need to be approved by the Boone County Planning Commission before construction can proceed. The Zoning Permit will need to address the building setbacks and storm water drainage.

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.

Respectfully submitted,

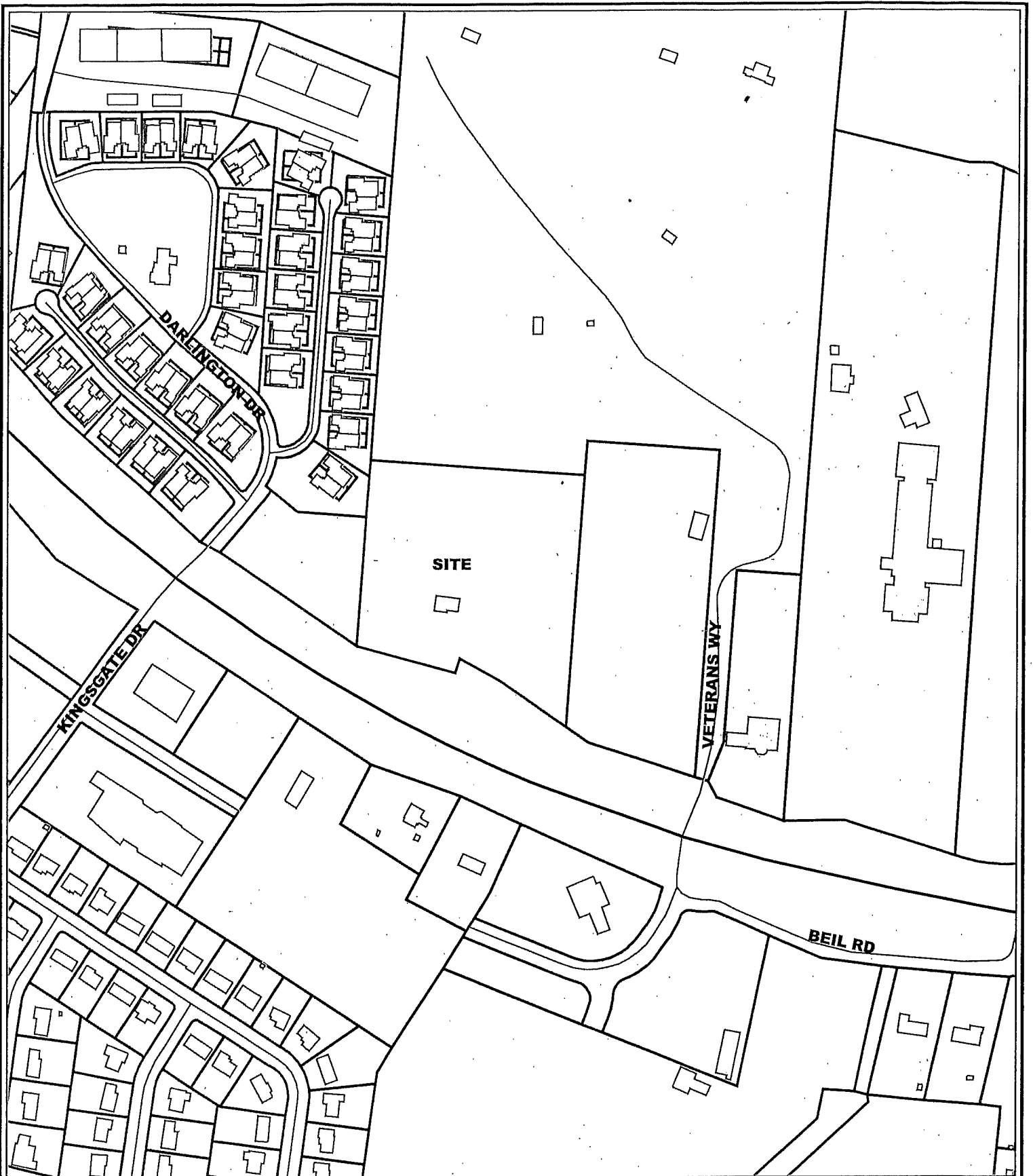


Todd K. Morgan, AICP
Planner, Zoning Services

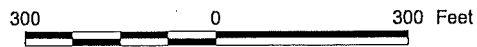
TKM/pr

Attachments

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



2342 Burlington Pike Site Vicinity Map



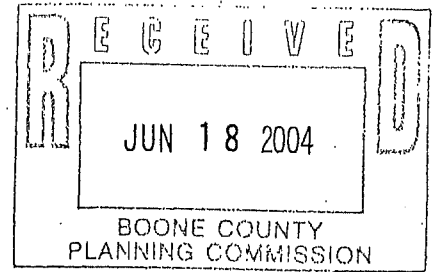
1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
June 24, 2004





McBEE & McCRACKEN
ATTORNEYS AT LAW



June 16, 2004

ANNE P. McBEE
6601 Dixie Highway
Florence, Kentucky 41042
(859) 491-8121
(859) 491-0549 fax

KAREN E. McCRACKEN
211 East Fourth Street
Covington, Kentucky 41011
(859) 491-1122
fax (859) 491-0549

Board of Adjustment
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

Re: Conditional Use Permit Application
Property owners: William K. And Anne P. McBee

Dear Board Members:

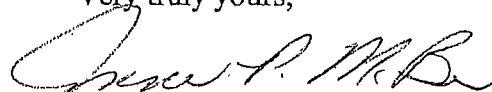
Attached is our application for a conditional use permit to expand our master bedroom and garage. The goal of this expansion is to make our home more senior citizen friendly. Our master bedroom is presently not accessible to a physically disabled person. We desire to expand our garage so that it could accommodate an elevator in the event it is needed to grant a wheelchair or physically disabled person access to the bedroom. We desire to expand the bedroom, bath, closet and sitting area to permit us to have more room in the event we are confined to that area due to poor health.

Our house is presently a small brick structure. If approved, the new area will also be brick with windows and shutters similar to the existing shutters and windows. The rear of the area will have french doors and a porch overlooking our existing patio. Our home was built in 1969 and we have made no exterior changes to the structure other than new windows and roof since that time.

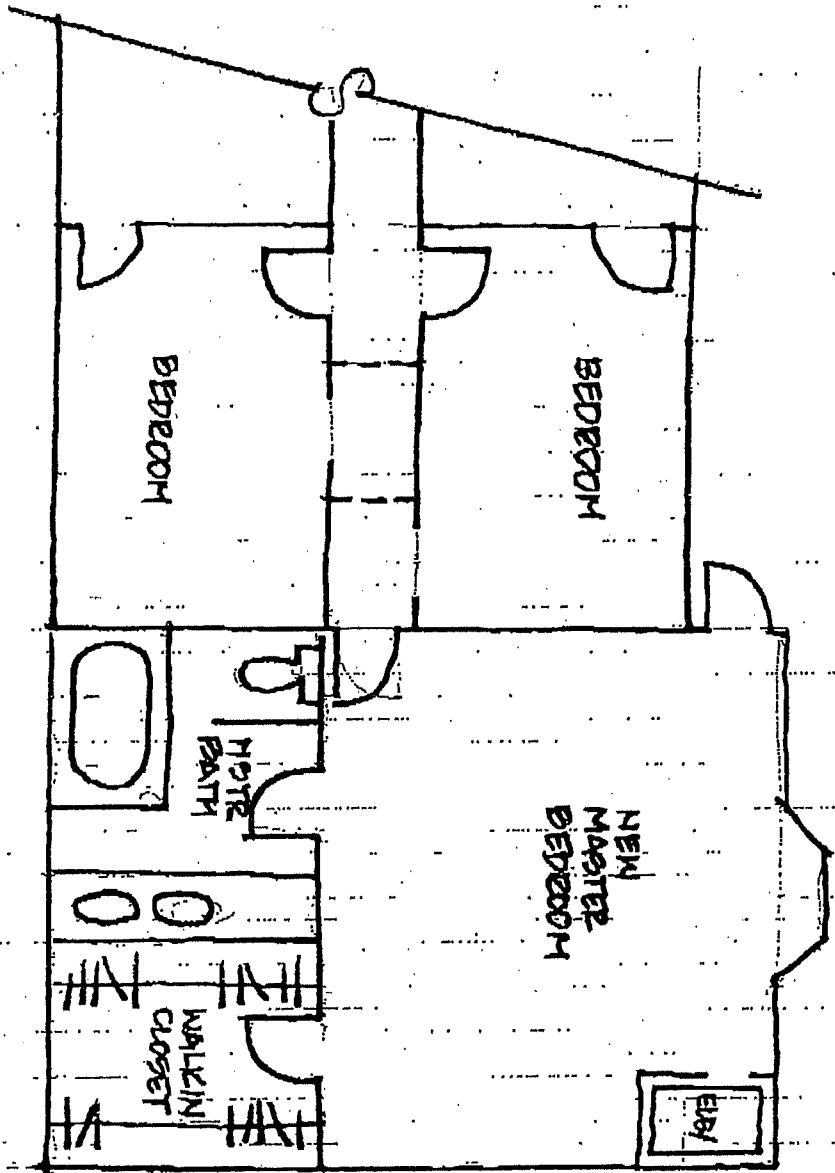
We are requesting this conditional use at this time while we are still physically and mentally able to make these decisions.

Thank you for your consideration.

Very truly yours,


Anne P. McBee

RECEIVED
JUN 18 2004
BOONE COUNTY
PLANNING COMMISSION



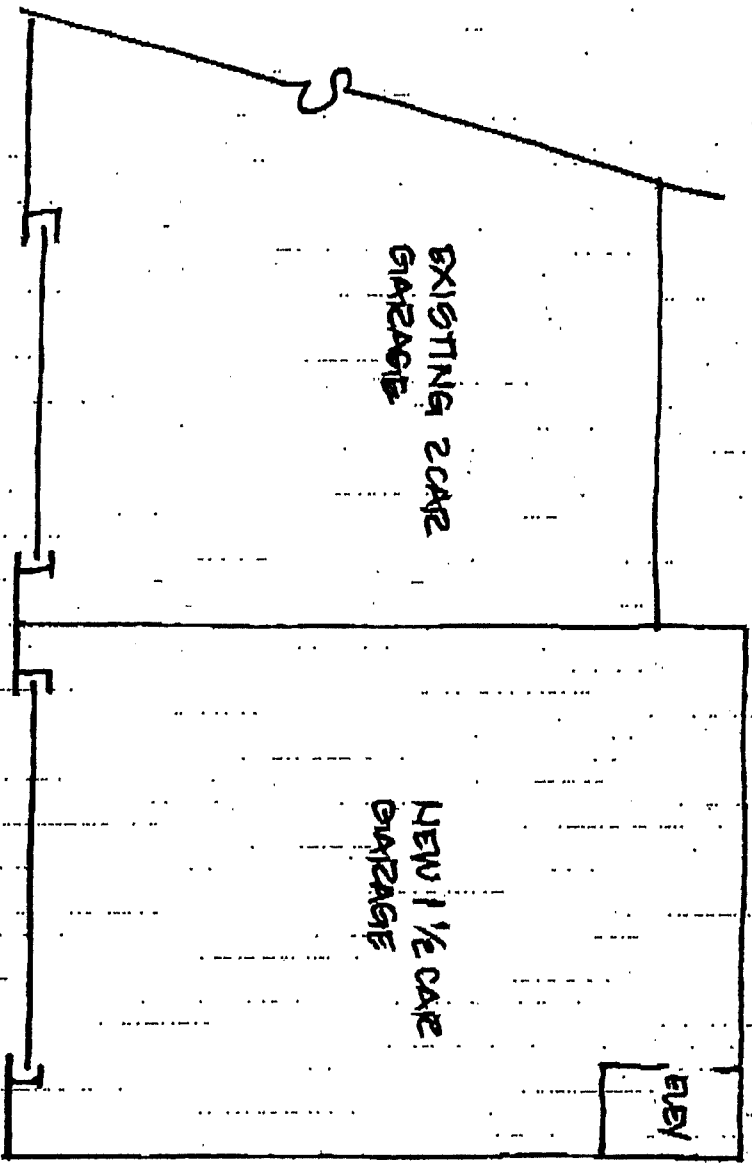
EXISTING RESIDENCE

NEW ADDITION

UPPER LEVEL PLAN

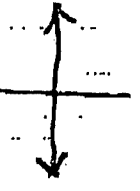
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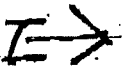


EXISTING GARAGE

NEW GARAGE



LOKKER LEVEL PLAN
SCALE 1/8" = 1'-0"



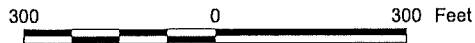
R E G I S T E R E D

JUN 18 2004

BOONE COUNTY
PLANNING COMMISSION



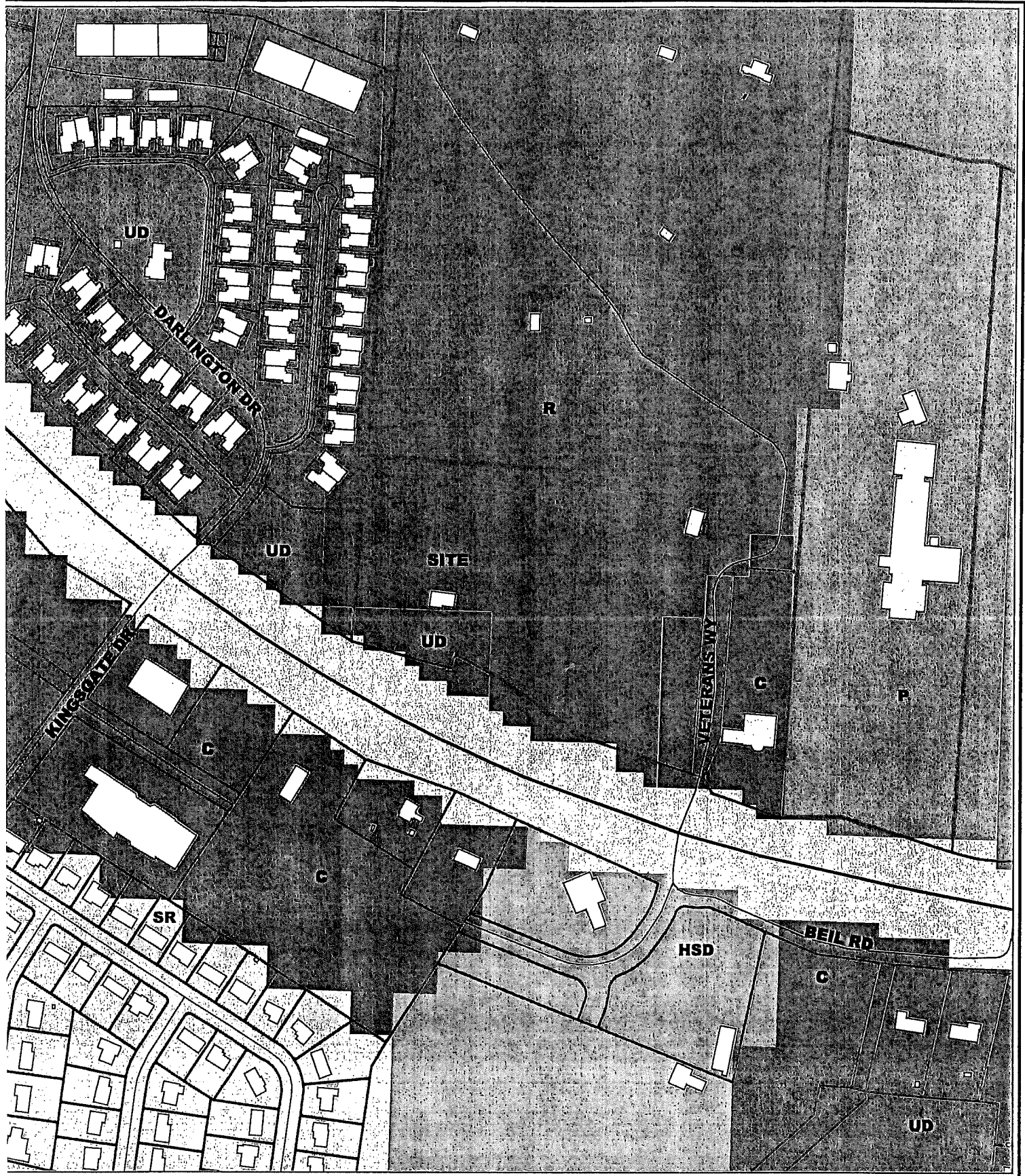
2342 Burlington Pike Zoning Map



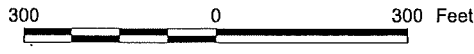
1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
June 24, 2004



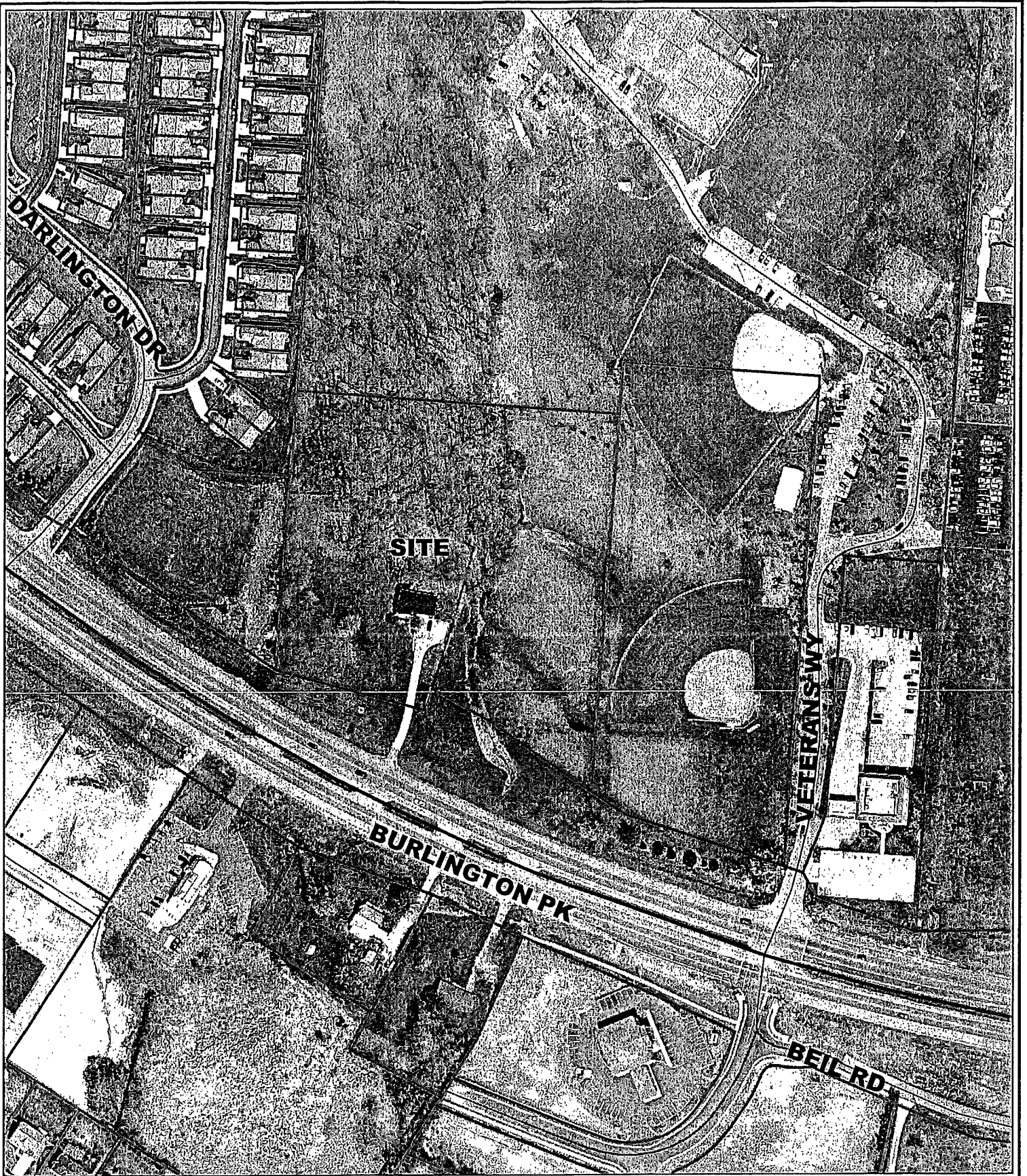


2342 Burlington Pike Future Land Use Map



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 24, 2004





2342 Burlington Pike Aerial Map

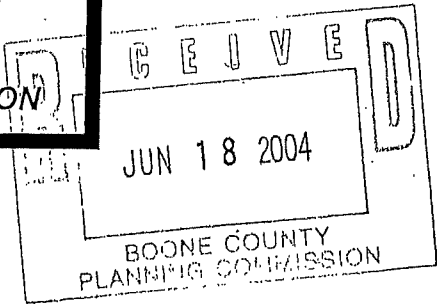
200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 24, 2004



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

(Check One)

2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant's Name Anne P. McBee
Phone Number 586-6444 Fax No. 586-6444 or 525-1475
Applicant's Address 2342 Burlington, Pike
Burlington, Ky. 41005

4. Description of Request: Requesting permission to enlarge garage and master bedroom to make it more senior citizen friendly for health.

5. Name of Development n/a
6. Location of Development _____

7. Acreage Under Review 5.51

8. Lot Number and Name of Subdivision (if part of a subdivision)
2342 Burlington Pike

9. Owner of Property Willaim K. and Anne P. McBee
Phone Number of Owner 586-6444

10. Address of Property Owner 2342 Burlington, Pike
Burlington, Ky. 41005

11. Proposed Use(s) on Site residence

12. Total Square Footage of Existing and/or Proposed Buildings 2500 + 2000

13. Current Zoning on Property R

14. Deed Book 655 Page No. 214 Group No. 2025

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? no

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: Anne P. McBee

Property Owner's Signature: Anne P. McBee

COPY

CLUR #04-BCBOA-022-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

William K. & Anne P. McBee
2342 Burlington Pike
Burlington, KY 41005

2. ADDRESS OF PROPERTY

2342 Burlington Pike
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 655

PAGE NO. 214

GROUP NO. 2025

5. TYPE OF RESTRICTION(S) (Check all that apply)

___ Zoning Map Amendment:
From ___ To

X Conditional Use Permit

___ Development Plan

___ Conditional Zoning

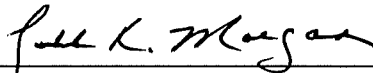
___ Subdivision Plat
(Not Recorded)

___ 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



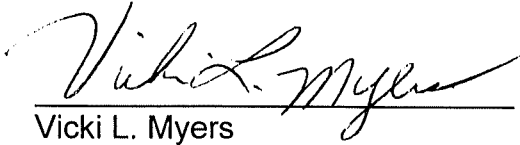
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

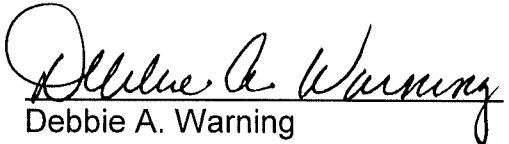
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 22 day of July, 2004.



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 Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 14, 2004 Certificate of Land Use Restriction (#04-BCBOA-022-A), for William K. and Anne P. McBee, Property Owner(s).

The following conditions will apply:

- 1) The construction materials of the addition are to be as presented (brick construction with windows and shutters similar to the existing shutters and windows).
- 2) A Zoning Permit is required to be approved by the Boone County Planning Commission before construction can proceed. The Zoning Permit will need to address the building setbacks and storm water drainage.

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

DEED BOOK 655

PAGE NO. 214

GROUP NO. 2025