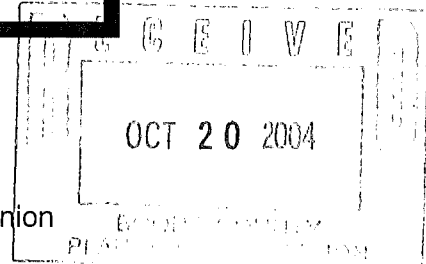


BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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 Mark A Ingram
Phone Number 859-689-4705 Fax No. _____
Applicant's Address 5861 Woolper Road
Petersburg Ky 41080
City State Zip
- 4. Description of Request: Conditional use permit for
Horse boarding operation
- 5. Name of Development AirView Farms
- 6. Location of Development 5861 Woolper Road
Petersburg Ky 41080
- 7. Acreage Under Review 16
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
NA
- 9. Owner of Property Mark Ingram
Phone Number of Owner Same
- 10. Address of Property Owner Same
City State Zip
- 11. Proposed Use(s) on Site Animal Care
- 12. Total Square Footage of Existing and/or Proposed Buildings 4340 sq ft
- 13. Current Zoning on Property A-1 & R.S
- 14. Deed Book D 841 Page No. 393 Group No. 2024
- 15. Is the site subject to a zone change? C.U.P.
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: Mark A Ingram

Property Owner's Signature: Mark A Ingram

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 10-20-04 Fee Received \$ 561.00 R# 40570
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11/10/04 Approved
_____ Approved with Conditions (See #6)
_____ Denial (See #7).
6. Conditions of Approval: NONE

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: Mark A. Ingram
LOCATION: 5861 Woolper Road, Boone County, Kentucky
ZONING: Rural Suburban (RS) & Agriculture (A-1)
DATE: November 10, 2004

Proposal

The Applicant is requesting a Conditional Use Permit so he can operate a commercial horse boarding business on his property located at 5861 Woolper Road. The submitted Concept Development Plan indicates that the following improvements are being proposed:

1. Convert a 4,464 square foot (62' x 70') horse barn into a 13 stall commercial horse boarding stable;
2. Construct a 9,000 square foot (150' x 60') indoor riding arena onto the north side of the barn;
3. Construct an 800 square foot (16' x 50') equipment and hay storage building immediately behind the existing horse barn.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeal is to grant conditional use permits as specified by the zoning order.

Article 6, Section 611 of the Boone County Zoning Regulations permits "riding and boarding stables" as a principally permitted use in the Agriculture (A-1) district.

Article 9, Section 923 of the Boone County Zoning Regulations permits "commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required)" as a conditional use within a Rural Suburban (RS) 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 923 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for 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 9, Section 923 of the Boone County Zoning Regulations allows commercial kennels and boarding stables as a conditional use in the RS district if the proposed facility meets the following criteria:

- a. the activity is an integral and subordinate function of a permitted recreational or residential use; or
- b. the activity will not contradict the semi-rural character of the district;
- c. require or contribute to infrastructure needs above what is common to the permitted uses of the district;
- d. is of direct relation to and in support of the purpose of the district; and
- e. the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for the following uses:

"Rural Lands" – Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision.

"Rural Density Residential" – This designation is described as "low density residential uses of up to one dwelling unit per acre, which are not part of a formal subdivision.

"Developmentally Sensitive" – Areas that have an existing slope of twenty percent or greater for a height of 20 meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character..."

Site Characteristics

The approximate 15 acre site currently contains a single-family residence, a mobile home, a barn/garage with an attached hay storage shed, and a large pond.

The single-family residence and barn are located near the front of the property. The topography in this area of the site ranges from flat to rolling (see attached topographical map).

Access to the single-family residence, barn, and mobile home is provided by a single-lane gravel driveway that connects to Woolper Road.

Surrounding Land Uses and Zoning

North: Single-Family Residence & Farm (RS & A-1)

South: Single-Family Residence (RS & A-1)

East: Woolper Road, Single-Family Residences, and Farm (RS & A-1)

West: Farm (A-1)

Staff Comments

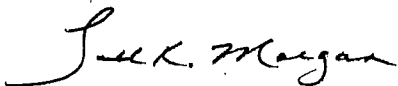
1. The Applicant sent the Zoning Administrator a letter claiming the previous property owner had operated a commercial horse boarding stable on the site. The Zoning Administrator determined that the use could not be given pre-existing status unless the Applicant obtained some records (tax records, insurance statements, utility bills, telephone listings, cancelled checks, receipts, etc.) which verified that the use had legally existed on site. The Applicant was unable to obtain any records from the previous owner which substantiated that the business had existed on the site.
2. A Conditional Use Permit is required because the access point and barn are located in a portion of the lot which is zoned Rural Suburban (RS)
3. The submitted Concept Development Plan does not address where the Applicant's clients will park. Staff would like the Applicant to address this issue.

4. The proposed parking area and existing gravel driveway will need to be upgraded to a 20' wide paved surface, unless a Waiver is issued by the Zoning Administrator. The Zoning Administrator has indicated that he would probably approve a Waiver because the proposed operation only contains 13 horse stalls.
5. If the request is approved, the applicant will need to submit a Site Plan application to the Boone County Planning Commission.

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 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 – Zoning Map
- Exhibit D – Future Land Use Map
- Exhibit E – Topographical Map
- Exhibit F – Aerial Map
- Exhibit G – Application



5861 Woolper Road Site Vicinity Map

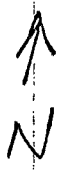
600 0 600 Feet

1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 28, 2004



1 to 3 year
50 x 16
Equip
Hay Storage
New

New
60 x 150
IA Door
Arena 5
Next year
2008 - 2010



Hay Storage
1988 -

← 70 →

↑ 62 ↓

2 Barn
Storage

13 stall
Barn

1988 - 2004

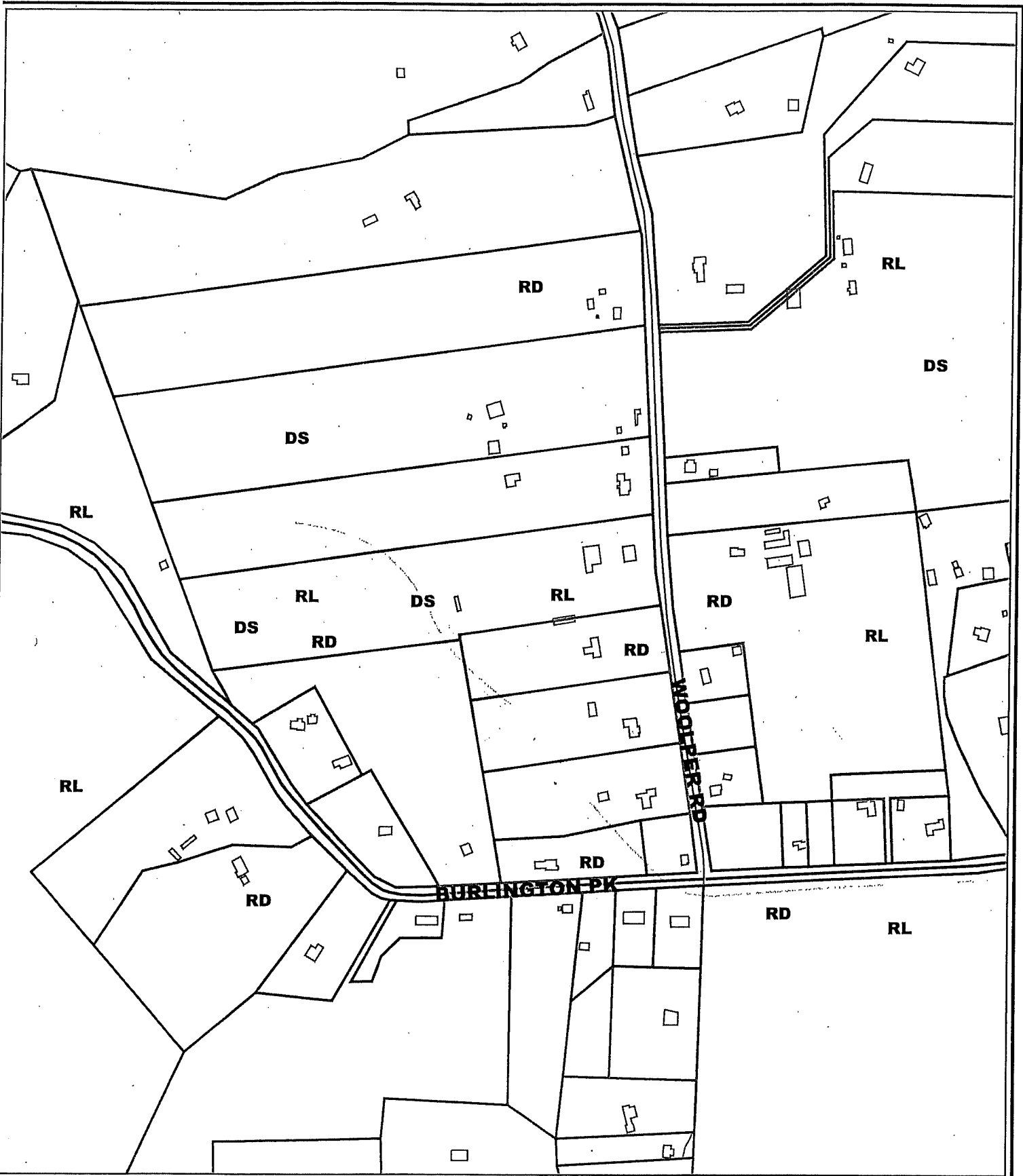


5861 Woolper Road Zoning Map

600 0 600 Feet

1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 28, 2004



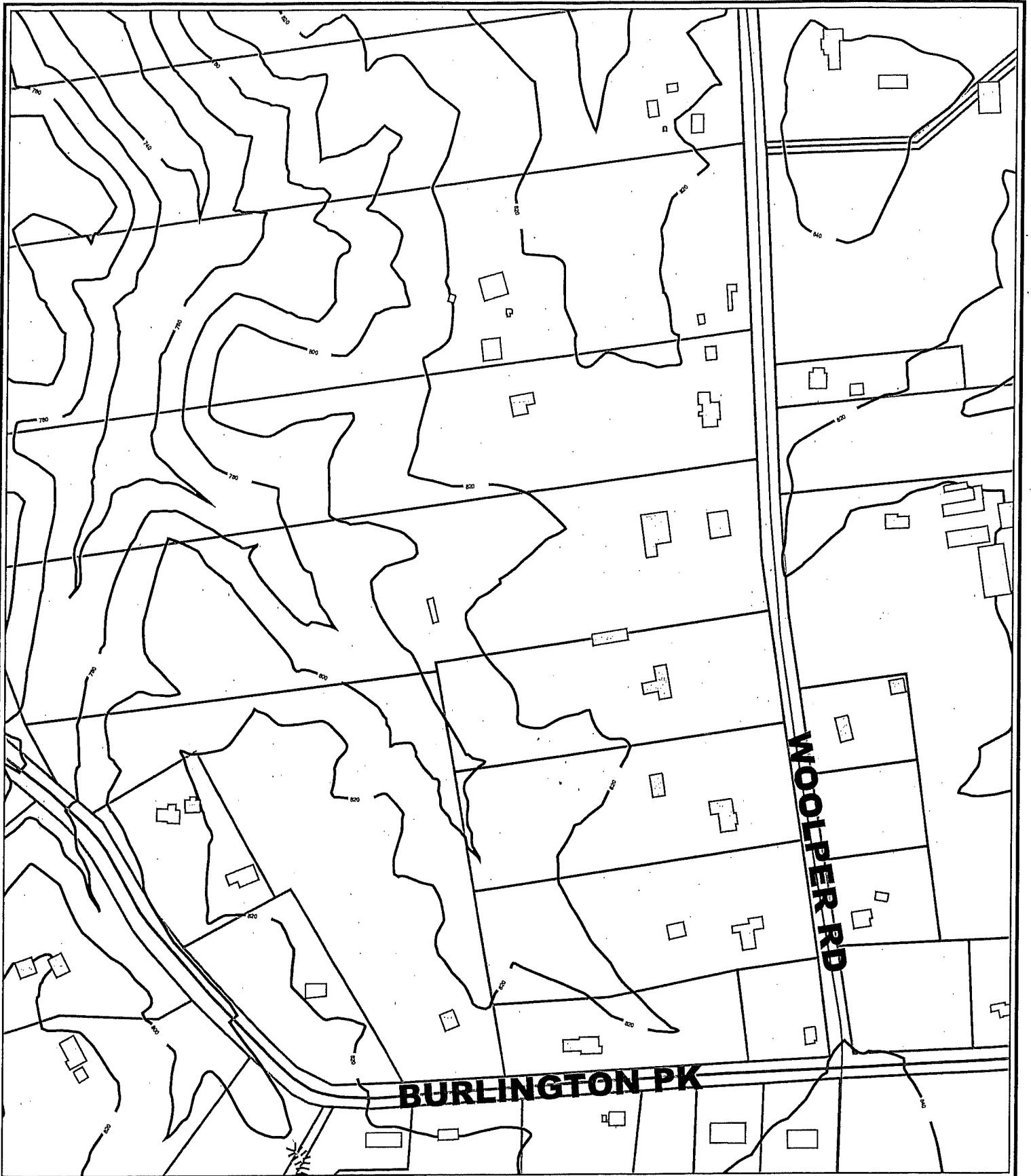


5861 Woolper Road Future Land Use Map

500 0 500 Feet

1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 2, 2004



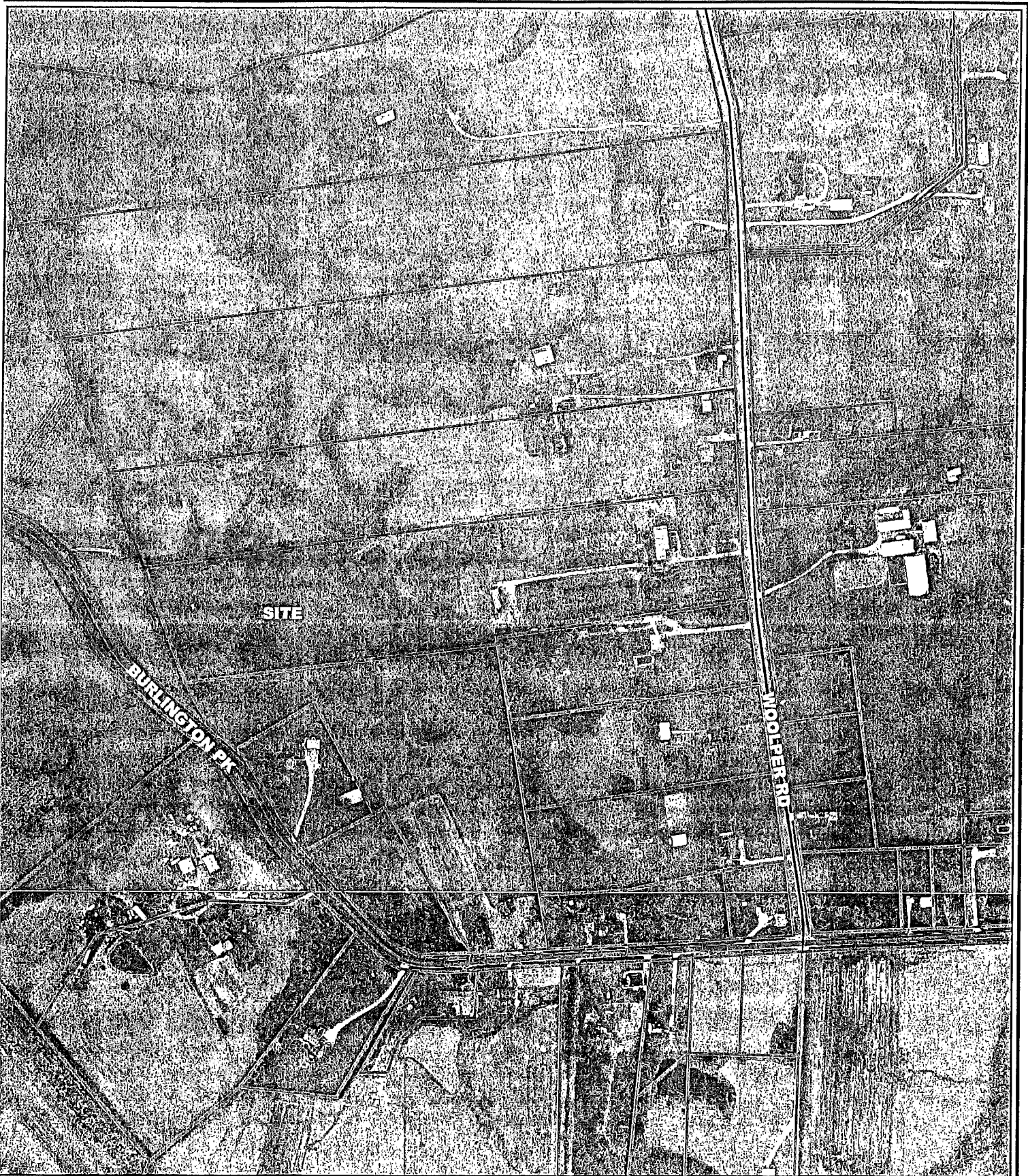


5861 Woolper Road Topographical Map

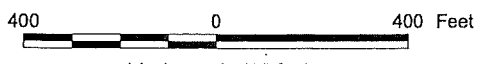
300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 2, 2004

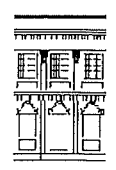




5861 Woolper Road Aerial Map

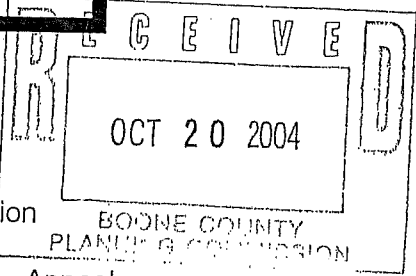


1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 28, 2004



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)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
- 3. Applicant's Name Mark A Ingram
Phone Number 859-689-4705 Fax No. _____
Applicant's Address 5861 Woolper Road
Petersburg Ky 41080
City State Zip
- 4. Description of Request: Conditional use permit for
Horse boarding operation
- 5. Name of Development AirView Farms
- 6. Location of Development 5861 Woolper Road
Petersburg Ky 41080
- 7. Acreage Under Review 16
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
NA
- 9. Owner of Property Mark Ingram
Phone Number of Owner Same
- 10. Address of Property Owner Same
City State Zip
- 11. Proposed Use(s) on Site Animal Care
- 12. Total Square Footage of Existing and/or Proposed Buildings 4340 sq ft
- 13. Current Zoning on Property A-1 & R.S
- 14. Deed Book D 841 Page No. 373 Group No. 2024
- 15. Is the site subject to a zone change? C.U.P.
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: Mark A Ingram

Property Owner's Signature: Mark A Ingram

COPY

CLUR #04-BCBOA-036-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Mark Ingram
5861 Woolper Road
Petersburg, KY 41080

2. ADDRESS OF PROPERTY

5861 Woolper Road
Petersburg, KY 41080

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Airview Farms

4. DEED BOOK 841

PAGE NO. 393

GROUP NO. 2024

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

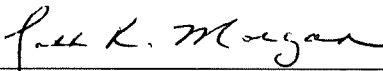
Subdivision Plat
(Not Recorded)

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



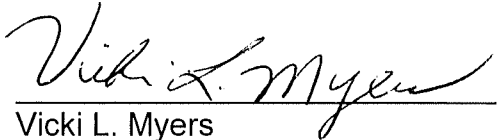
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

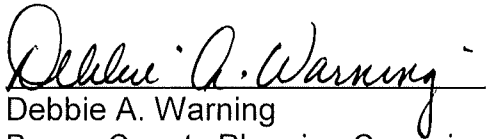
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 16 day of November, 2004.



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 November 10, 2004 Certificate of Land Use Restriction (#04-BCBOA-036-A), for Mark Ingram, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 841

PAGE NO. 393

GROUP NO. 2024