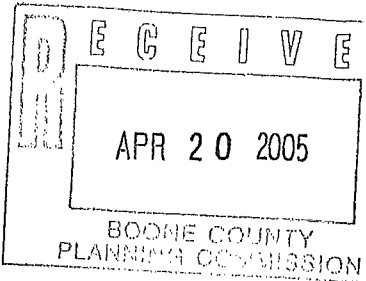


05-BC60A-009-A

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 J.T. MILLER / AKIN & MILLER LAND DEVELOPERS
4. Description of Request AS PER BOONE CO. PLANNING COMMISSION REMAINING LOT 323 TO HAVE MIN. LOT WIDTH AT SETBACK PER IMPROVEMENT PLAN (EXH. B) INSTEAD OF ZONE MIN. (4)
5. Name of Development REMAINING LOT 323 PARLOR GROVE ESTATES SUB. SECT. 20
6. Location of Development BLAIR DRIVE
7. Acreage Under Review 0.6226 AC
8. Lot Number and Name of Subdivision (if part of a subdivision) REMAINING LOT 323 PARLOR GROVE ESTATES SUB. SECT. 20
9. Owner of Property JACKSON HOMES LLC
10. Address of Property Owner FT. WRIGHT KY. 41017
11. Proposed Use(s) on Site SINGLE FAMILY RESIDENTIAL
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property RS
14. Deed Book 890 Page No. 63 Group No. 4066 2022
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? SEE ATTACHED EXHIBITS
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: [Signature]

Property Owner's Signature: JACKSON HOMES LLC

(over)

[Signature] MEMBER

**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 4-20-05 Fee Received 543.00 RT# 42134
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
6/8/05 Approved
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 6/8/05 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: Akin & Miller Land Developers

LOCATION: Remainder Parcel Located Between 2221 Blair Drive and Souther Cemetery, Boone County, Kentucky.

ZONING: Rural Suburban (RS)

DATE: May 11, 2005

Proposal

The Applicant is requesting a Variance to reduce the minimum road frontage requirement for a 0.6226 remainder tract which is located between 2221 Blair Drive and Souther Cemetery. The submitted Concept Development Plan (see attachments) shows that the remainder tract has 51.52 feet of road frontage at the 40' front yard setback line. The Boone County Zoning Regulations requires a conventional lot which is zoned Rural Suburban (RS) to have 75' of road frontage at the 40' front yard setback line. The request is to reduce the road frontage requirement from 75' to 51.52'.

Site History

- 1996 – The property was rezoned to Rural Suburban (RS) during the 1996 Zoning Update (see attachments).
- 2000 – The Planning Commission signs off on the Final Plat for Section 20 of Parlor Grove Estates. This plat creates lot 323 of Parlor Grove Estates. The lot is 3.2062 acres in area (see attachments).
- 2004 – The Planning Commission signs off on a Conveyance Plat for a 0.568 non-buildable lot. The lot is conveyed to the Johnson Wilson Cemetery Stewards Association. The remaining portion of lot 323 is 2.64 acres in area (see attachments).
- 2004 – The Planning Commission signs off on a Conveyance Plat for a 2.016 acre non-buildable parcel (see attachments). This parcel is currently part of a Zoning Map Amendment request that is being acted on by Boone County Fiscal Court. If the Zoning Map Amendment is approved the parcel will become permanent green space in North Bend Woods Subdivision. The remaining portion of lot 323 is 0.6226 acres in area.

Applicable Regulations

Article 40, Section 4000 of the Boone County Zoning Regulations defines lot frontage as “the distance between the side property lines as measured across the required minimum front yard setback line.”

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment 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 subject property is located in Parlor Grove Estates and is zoned Rural Suburban (RS). The topography of the parcel falls from 790' above sea level at Blair Drive to 760' above sea level near the rear property line (see topographical map). The rear of the property is heavily wooded. Utility, storm, sanitary sewer, and cemetery easements exist on the property (see attached Concept Plan and Final Plat).

Adjoining Land Uses & Zoning

North: Single-Family Residential Dwellings Fronting on Blair Drive (RS)

South: 2.64 Acre Tract Unbuildable Tract (RS)

East: Souther Cemetery (RS)

West: Single-Family Residential Dwellings Fronting on Blair Drive (RS)

Staff Comments

1. Buildable lots in the Rural Suburban (RS) zone must be 12,000 square feet in area and must have 75 feet of road frontage at the front yard setback. The subject lot is 27,120 square feet in area and has 51.52 feet of road frontage at the front yard setback.
2. The Concept Development Plan shows that the lot has 75 feet of road frontage 86 feet back from the Blair Road right-of-way.
3. Souther Cemetery is located immediately to the east of the site and portions of their 30 foot wide exclusive cemetery easement is located on the subject property. No land disturbance, driveways, or buildings are allowed within this easement.

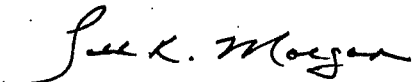
Staff is concerned that a metes and bounds legal description of the cemetery was never provided on the Final Plat and that the proposed house is being located right up to this easement. Staff recommends that the limits of the cemetery and cemetery easement should be delineated and staked in the field before a house is constructed on the subject lot. The home builder will need to pay careful attention to make sure that no excavation occurs within the easement.

4. Staff has talked with Greg Sketch, the County Engineer, about the project. Mr. Sketch has indicated that he has no preliminary objections to a residential driveway being located in the storm easement. However, a more thorough review will be conducted if a zoning permit is submitted to construct the dwelling.
5. The Board needs to analyze if the request will alter the essential character of the general vicinity or would deprive the applicant of the reasonable use of the land.

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 lot frontage variance.

Respectfully submitted,

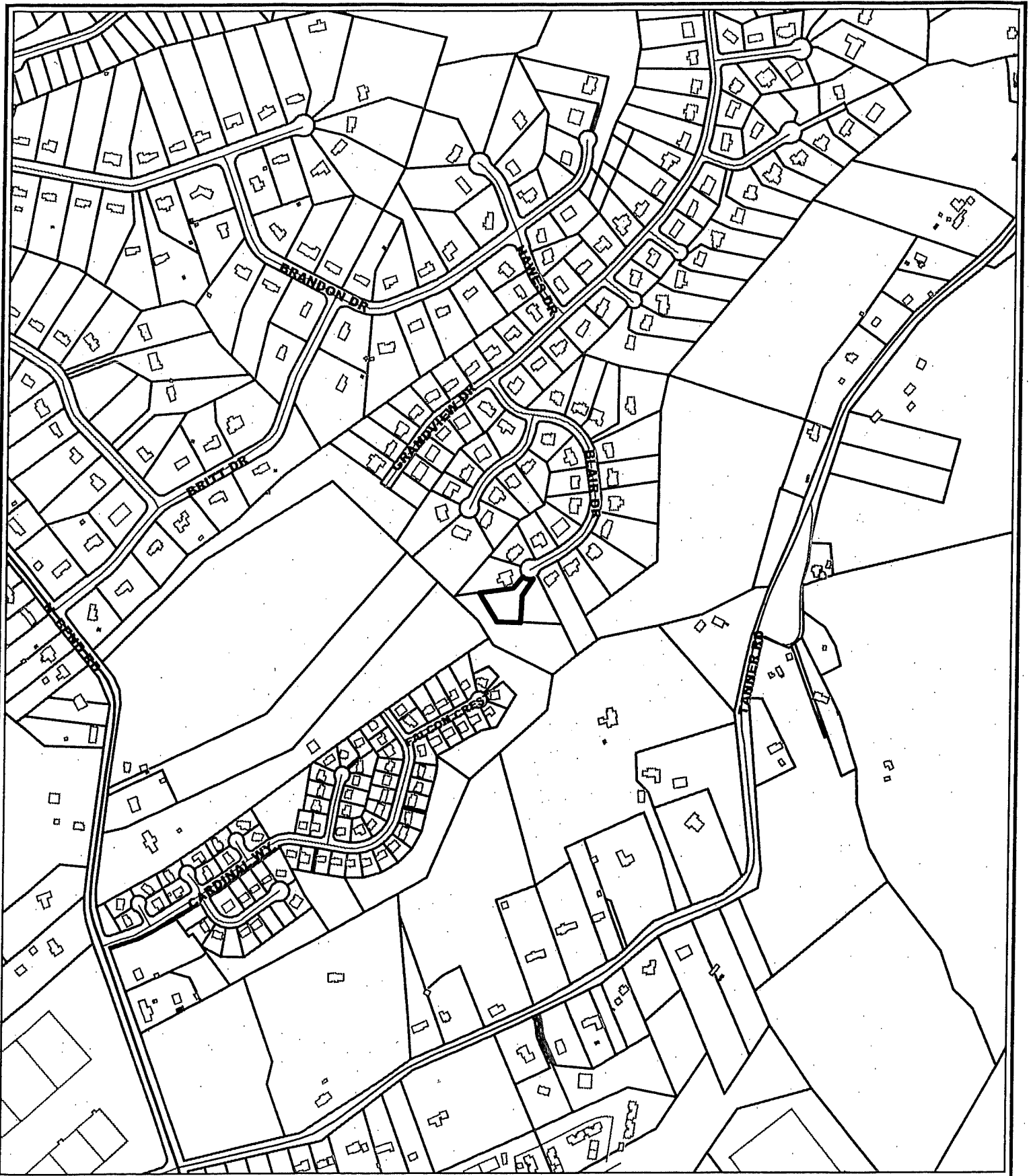


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – 1996 Zoning Update Exhibit
- Exhibit D – Section 20, Parlor Grove Estates Final Plat
- Exhibit E – Conveyance Plat for 0.568 Acre Parcel
- Exhibit F – Conveyance Plat for 2.016 Acre Parcel
- Exhibit G – Aerial Map
- Exhibit H – Zoning Map
- Exhibit I – Topographical Map
- Exhibit J – Application



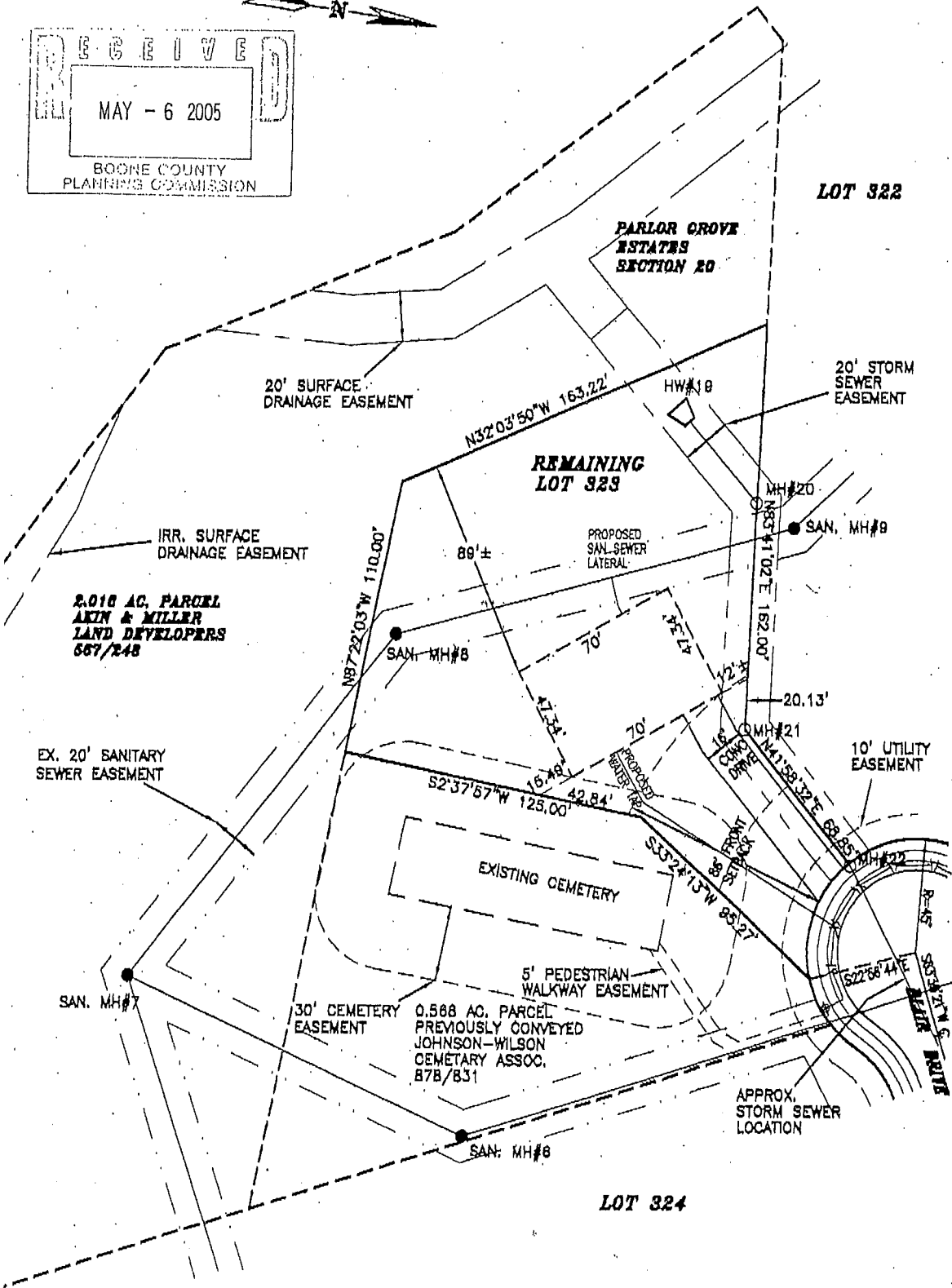
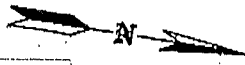
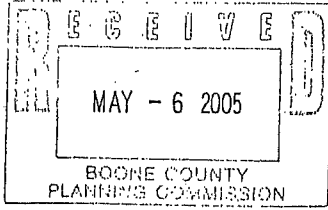
Akin & Miller Site Vicinity Map

600 0 600 Feet

1 inch equals 600 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 5, 2005





**PROPOSED PLOT PLAN
FOR
JACKSON HOMES LLC**

DATE: 5/06/05

PARLOR GROVE ESTATES
DATE OF DRAWING 11/15/04

PARLOR GROVE ESTATES SECTION 20
LOT 323 REMAINING PARCEL
BOONE COUNTY, KENTUCKY

SHEET 1 OF 2

VIOX & VIOX, INC.
Engineers - Surveyors - Landscape Architects

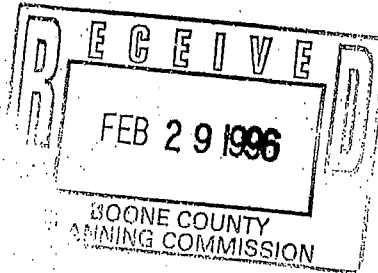
466 Erlanger Road
Erlanger, Kentucky 41018
Tel: 858-727-3283
Fax: 858-727-8452
e-mail: viox@ntol.net

CHECKED: [Signature]
DATE: 5/06/05

JACKSON HOMES
205 WRIGHT LANE, SUITE 205
WRIGHT, KY 41017

SCALE: 1" = 50'

February 29, 1996



Mr. Kevin Costello
Director
Boone County Planning and Zoning
Burlington, Kentucky 41005

Dear Kevin:

It is my understanding that the Comprehensive Plan is currently being updated for Boone County. This letter is to request that the remaining property owned by Akin and Miller Land Developers adjacent to the Grandview Section of Parlor Grove be included on the new plan as ~~SR1 R S~~ *A2 and RSE* instead of the current zoning, which I believe is ~~SR~~. This would be consistent with Grandview, which is zoned SR1.

Akin and Miller owns slightly over 40 acres directly adjacent to and west of the Grandview Section and another approximately 25 acres directly adjacent to and east of this section. As you know, water, sewer, gas and all other utilities are currently available in Grandview and easily accessible to these two parcels of property.

Our plans are to develop these two parcels consistent with the Grandview section of Parlor Grove. Both parcels would be accessed by extending Grandview Drive in both directions. It is our intention to begin preliminary engineering on these two parcels in the immediate future.

It seems logical, consistent and expedient to make the change on the Comprehensive Plan and I request your support and cooperation in accomplishing this. Obviously, I would be available to meet with you or any committee dealing with this issue should that be necessary.

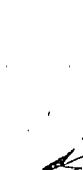
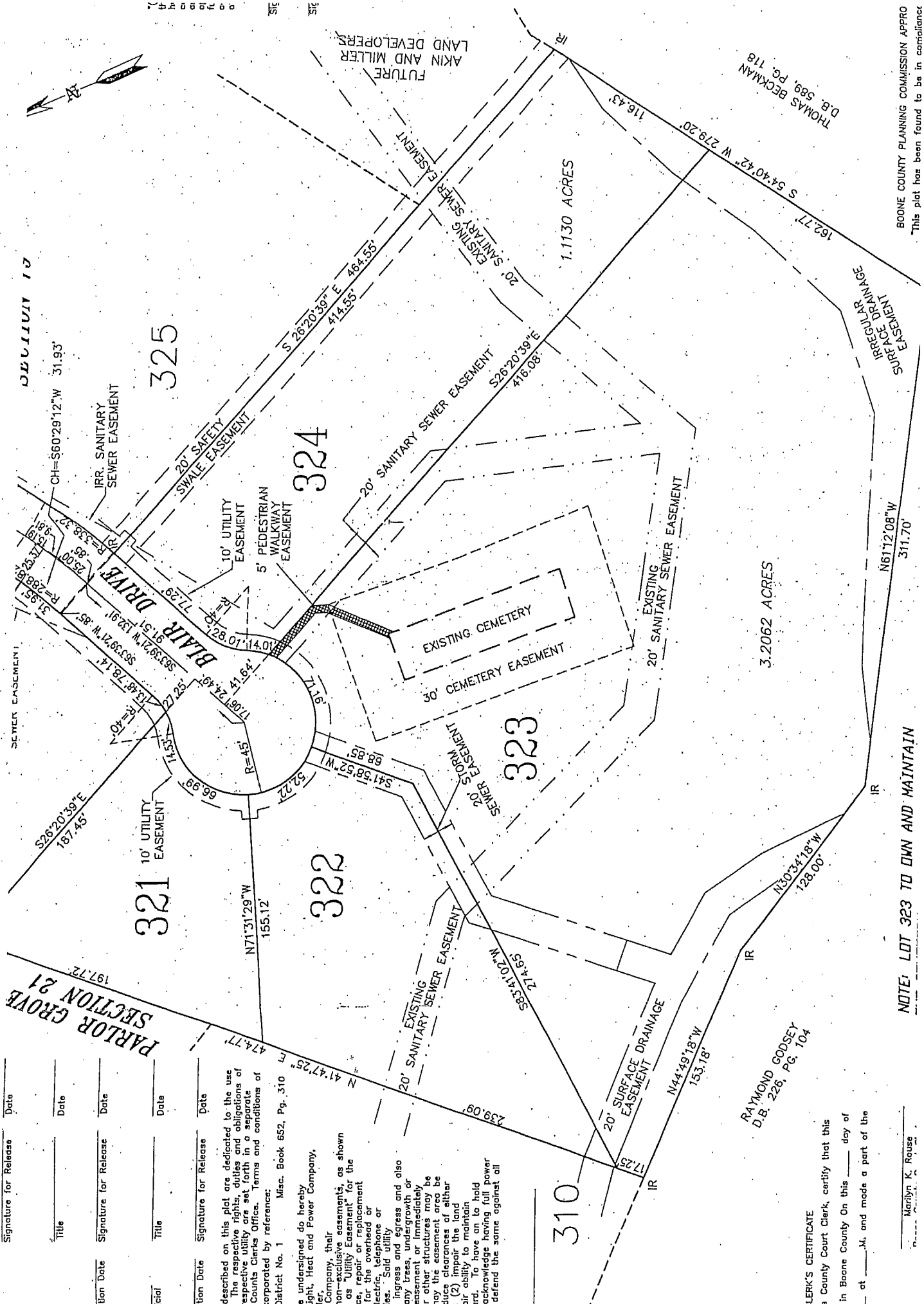
Sincerely,

A handwritten signature in cursive script that reads "J. J. Miller".

J. J. Miller, Partner
Akin and Miller Land Developers



237



DECEMBER 17

CH=560°29'12"W 31.93'

JRR SANITARY SEWER EASEMENT

20 SAFETY SWALE EASEMENT

10' UTILITY EASEMENT

5' PEDESTRIAN WALKWAY EASEMENT

20' SANITARY SEWER EASEMENT

EXISTING CEMETERY

30' CEMETERY EASEMENT

1.1130 ACRES

S 54°40'42" W 279.20'

162.77'

116.43'

20' SANITARY SEWER EASEMENT

EXISTING SEWER EASEMENT

20' SANITARY SEWER EASEMENT

S 26°20'39" E 464.55'

414.55'

116.08'

3.2062 ACRES

N 61°12'08" W 311.70'

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PARTOR GROVE SECTION 21

Signature for Release	Date
Title	Date
Signature for Release	Date
Title	Date
Signature for Release	Date
Title	Date

and described on this plat are dedicated to the use of utility. The respective rights, duties and obligations of the respective parties are set forth in a separate instrument incorporated by reference.

Misc. Book 652, Pg. 310

the undersigned do hereby provide, their non-exclusive easements, as shown on this plat, for the replacement of electric, telephone or other utilities. Said utility easements shall include the right of ingress and egress and also the right to install, maintain, repair, replace, upgrade or otherwise use any poles, towers, structures or other structures on the easement area. The easement shall not be subject to any other restrictions or conditions of either party. We acknowledge having full power and authority to execute this instrument and we will defend the same against all

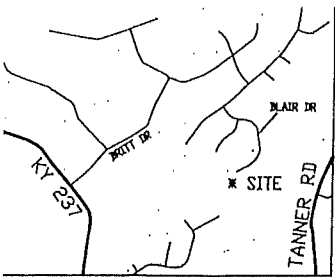
RAYMOND GODSEY
D.B. 226, PG. 104

NOTARY CLERK'S CERTIFICATE
Boone County Court Clerk, certify that this instrument is a true and correct copy of the original as recorded in the Boone County Clerk's Office on this _____ day of _____, 20____, at _____, Mo. and made a part of the record.

Marilyn K. Rouse

NOTE: LOT 323 TO OWN AND MAINTAIN

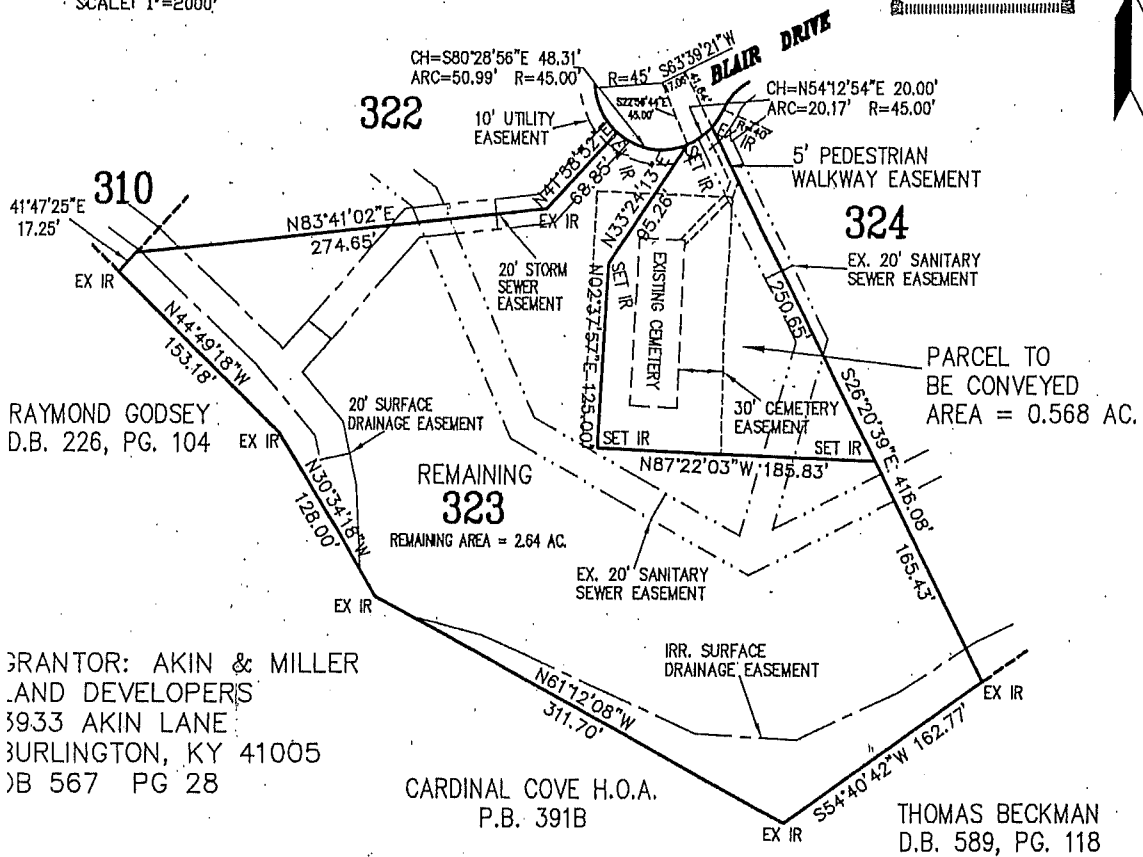
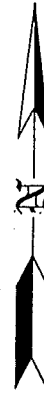
BOONE COUNTY PLANNING COMMISSION APPROVE
This plat has been found to be in compliance



VICINITY MAP
SCALE: 1"=2000'

PARLOR GROVE ESTATES
SECTION 20
PLAT SLIDE 568A
GROUP NO. 4066

STATE OF KENTUCKY
WILLIAM R. VIOX
1781
LICENSED PROFESSIONAL LAND SURVEYOR



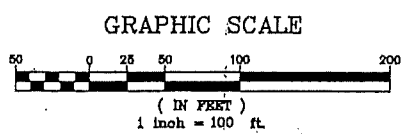
RAYMOND GODSEY
D.B. 226, PG. 104

GRANTOR: AKIN & MILLER
LAND DEVELOPERS
3933 AKIN LANE
BURLINGTON, KY 41005
DB 567 PG 28

CARDINAL COVE H.O.A.
P.B. 391B

THOMAS BECKMAN
D.B. 589, PG. 118

This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.
Date 5-19-04 Current Zoning RS
C/S



*NOTE: ALL EASEMENTS ARE EXISTING

NON-BUILDABLE LOTS
D SURVEYOR'S CERTIFICATE
I certify that this plat of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes.
W R Viox 5/13/04
SIGNATURE OF SURVEYOR DATE

DEED SURVEYOR'S CERTIFICATE
I certify that this plat depicts a survey made by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the party owner.
W R Viox 5/13/04
DATE

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
I moved for recording the transfer of property only by the Boone County Planning Commission this 19th day of May, 2004.
Thomas Beckman 5/19/04
DATE

CEMETERY PARCEL
TO BE CONVEYED TO
THE JOHNSON WILSON
CEMETERY STEWARDS ASSOC.
PARLOR GROVE SUBDIVISION
SECTION 20
BOONE COUNTY KENTUCKY
APRIL 27, 2004 SCALE: 1" = 100'

W VIOX & VIOX, INC.
Engineers • Surveyors • Landscape Architects
466 Erlanger Road Tel: 859-727-3293
Erlanger, Kentucky 41018 Fax: 859-727-8452
e-mail: viox@nkol.net

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) days of Planning Commission approval.

APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE BOONE COUNTY PLANNING COMMISSION THIS 17th DAY OF April 2004

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

CHURMAN'S SIGNATURE: *[Signature]*

RECORDED BY: JAMES J. BERTRAM
 RECORDED ON: JANUARY 31, 2005 @ 2:58:47PM
 TOTAL FEES: \$15.00
 TRANSFER TAX: \$49.00
 GROUP: 4086
 COUNTY CLERK: MARILYN K. ROUSE
 COUNTY CLERK: BOONE COUNTY CLERK
 DEPUTY CLERK: KARLE HORNBECK

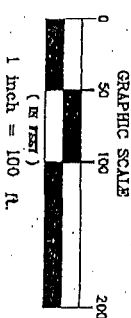
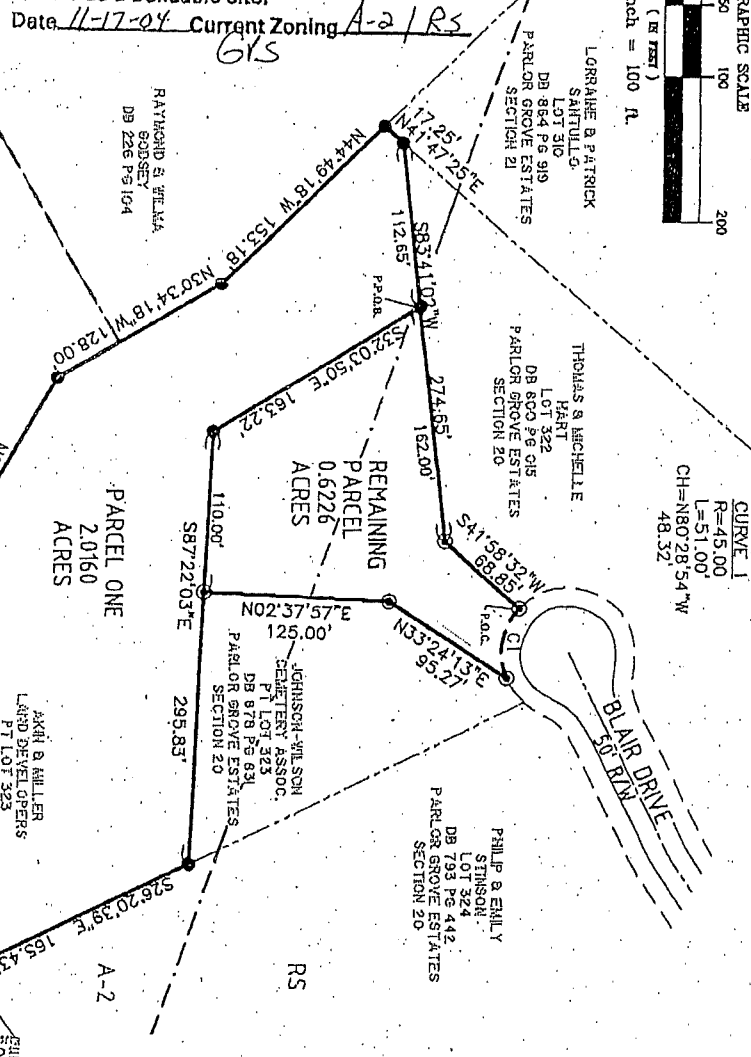
BOOK D898 PAGES 63 - 67

P & Z Code No. 4314

This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.
 Date 11-17-04 Current Zoning A-2/RS
GIS

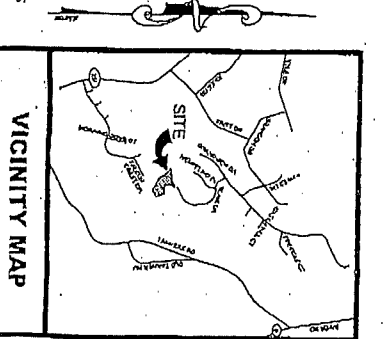
LEGEND

- Denotes found measurement in good condition unless otherwise noted
- Donate set 50' from R/W with an orange plastic cap stamped "ONE ELEVEN 3423 24" in height.
- Boundary line coincident with right-of-way line
- Denotes zoning boundary line



CURVE 1
 R=45.00'
 L=51.00'
 CH=180°28'54\"/>

STATE OF KENTUCKY
 JAMES J. BERTRAM
 3423
 LICENSED PROFESSIONAL LAND SURVEYOR



LAND SURVEYOR'S NOTES

1. ALL FOUND MONUMENTATION IN GOOD CONDITION UNLESS OTHERWISE NOTED.
2. DATA SOURCES FOR THIS SURVEY INCLUDE DOCUMENTS CITED HEREON.
3. THIS PROPERTY WAS CONVERTED TO A&M & MILLER LAND DEVELOPERS REDDED BOOK 367 PAGE 028 OF THE BOONE COUNTY DEED RECORDS ON FILE IN BURLINGTON, KENTUCKY.
4. ENCUMBRANCES AS NOTED.
5. NO EVIDENCE OF A CEMETERY FOUND ON SUBJECT PROPERTY.
6. ZONING LINES BASED UPON CURRENT GIS INFORMATION DATED 11-15-04

THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN TWO (2) YEARS OF PLANNING COMMISSION APPROVAL.

LAND SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION, BY THE METHOD OF RANDOM TRAVERSE WITH SIGHT SHOTS, THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE WAS 1:18,004 AND WAS NOT ADJUSTED. THE SURVEY WAS PREPARED IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS.

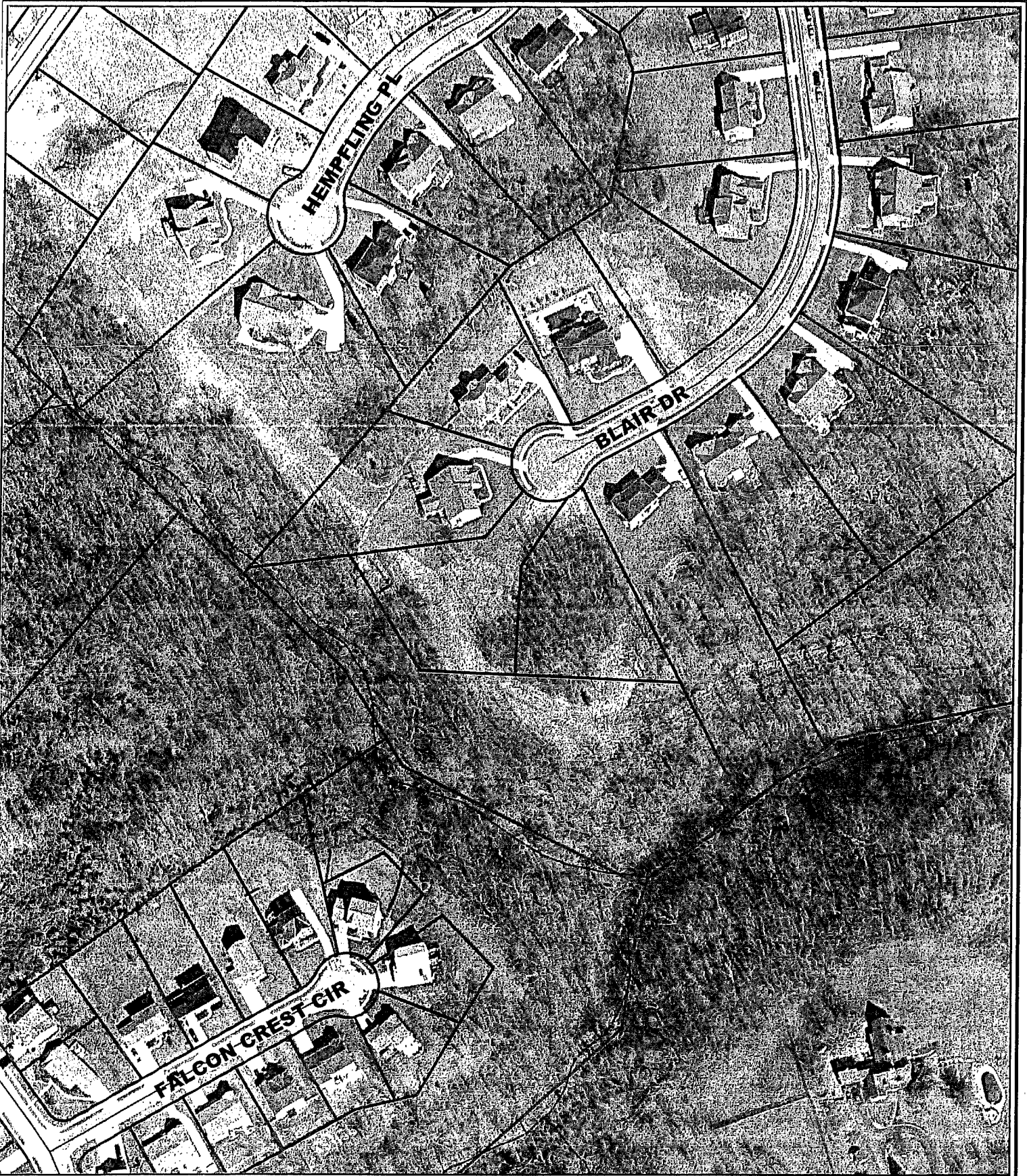
DATE OF FIELD SURVEY: 8-10-04

THE SURVEY SHOWN HEREON IS A CLASS "A" SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS.

I FURTHER CERTIFY THAT PARCEL ONE OF THIS PLAT IN AND OF ITSELF DOES NOT MEET THE CURRENT ZONING REGULATIONS FOR USE AND IS BEING TRANSFERRED FOR NON-BUILDING PURPOSES.

JAMES J. BERTRAM, DATE 11/15/04
 LICENSED PROFESSIONAL LAND SURVEYOR IN THE COMMONWEALTH OF KENTUCKY

DRAWING TITLE CONVEYANCE PLAT		PROJECT TITLE LOT 323 OF PARLOR GROVE ESTATES BOONE COUNTY, KENTUCKY	
SCALE 1"=100'	DATE 11/15/04	OWNER A&M & MILLER LAND DEVELOPERS 3533 AMRILANE BURLINGTON, KENTUCKY 41005	CLIENT 2117 NEW HOPE SOLUTIONS BURLINGTON, KENTUCKY 41005
DRAWN BY MCR0	CHECKED BY JBER	GROUP NUMBER: 4066	GROUP NUMBER: 4066
PROJECT NO. V-04-XXX	TITLE CONVEY	<p>5291 Madison Pike Independence, KY 40314 Phone: 859-353-4025 Fax: 859-353-9425</p>	

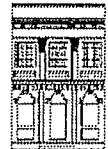


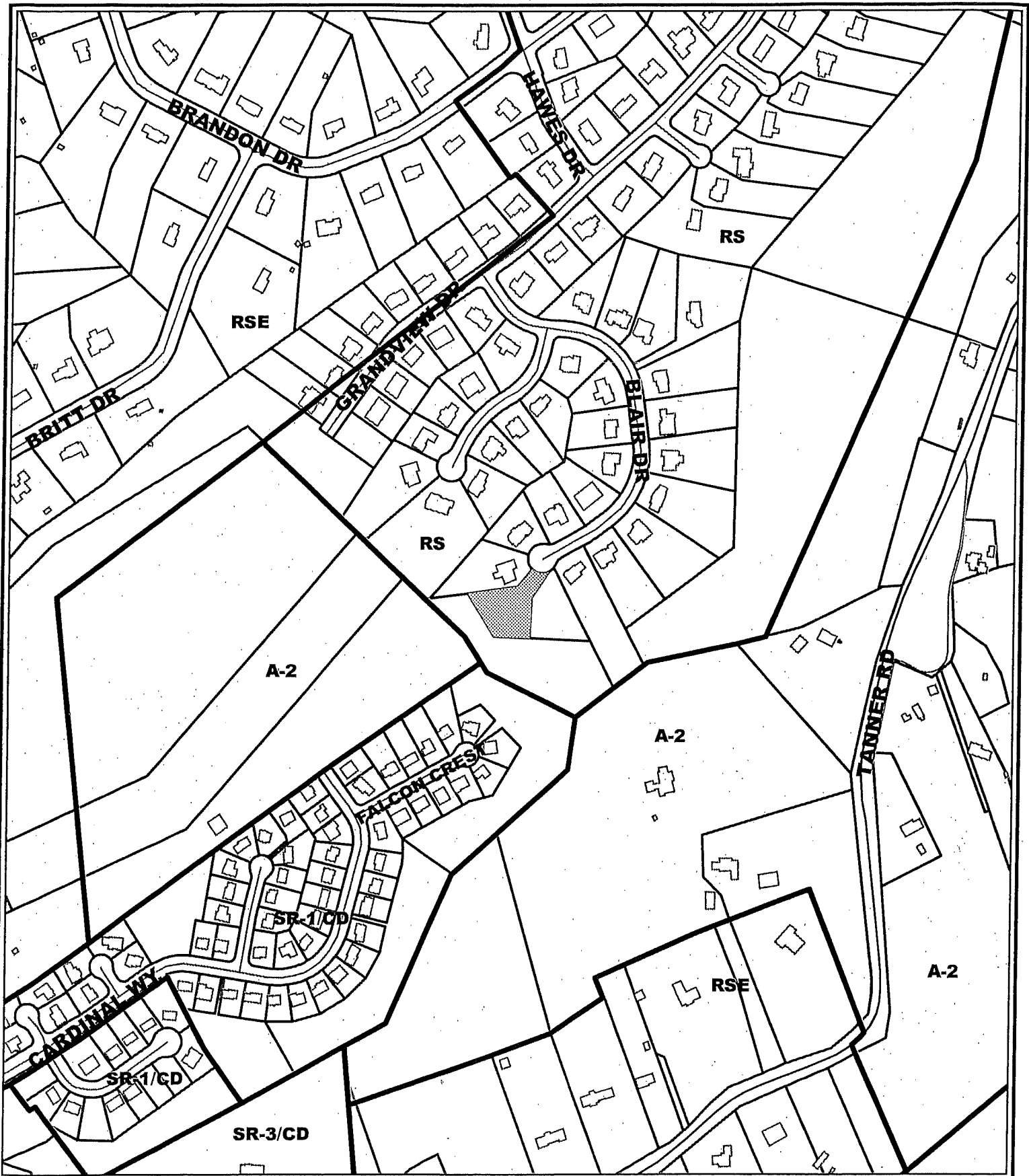
Akin & Miller Aerial Map

150 0 150 Feet

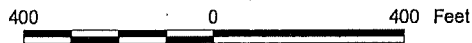
1 inch equals 150 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 5, 2005





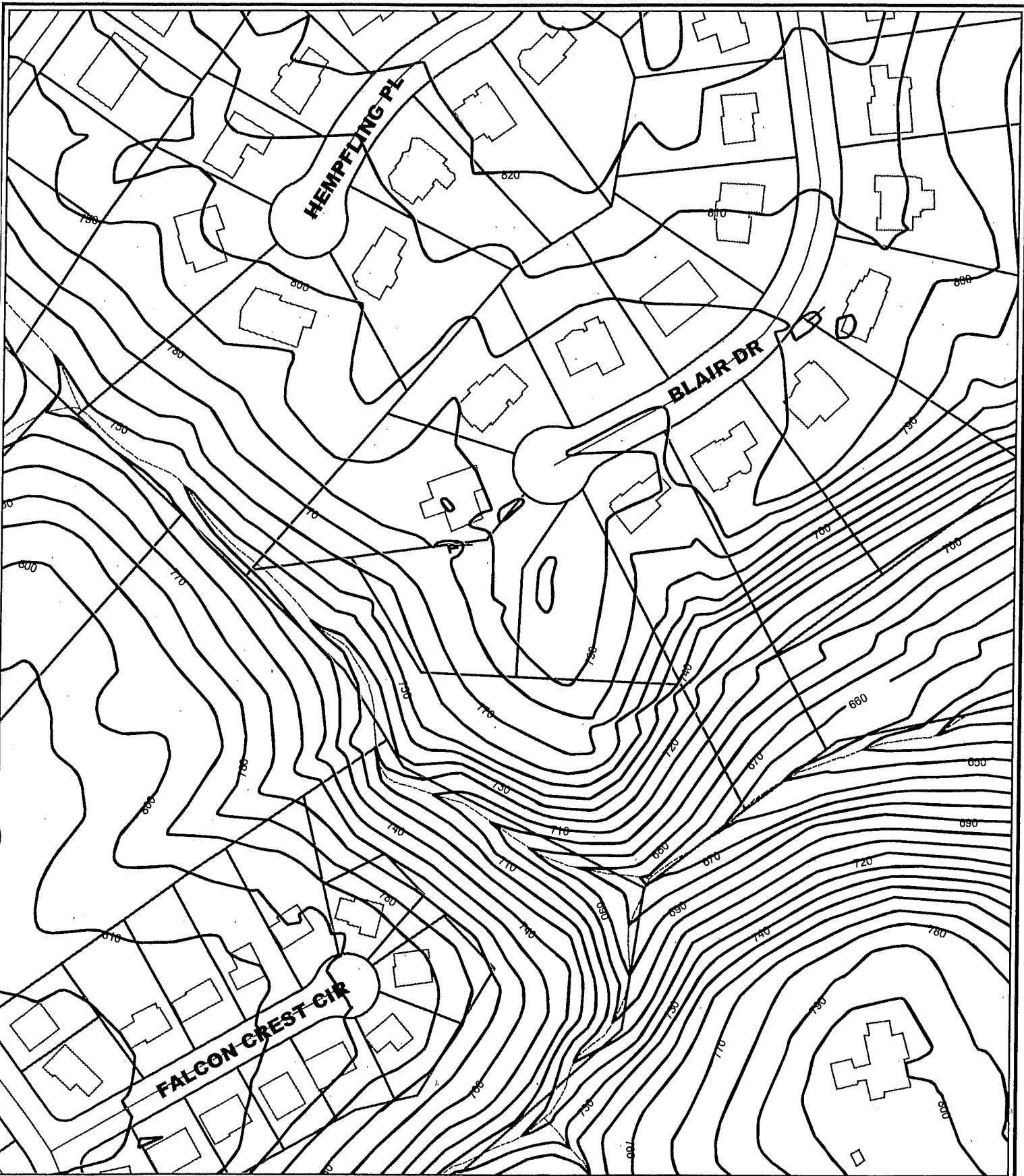
Akin & Miller Zoning Map



1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 5, 2005





Akin & Miller Topographical Map

150 0 150 Feet



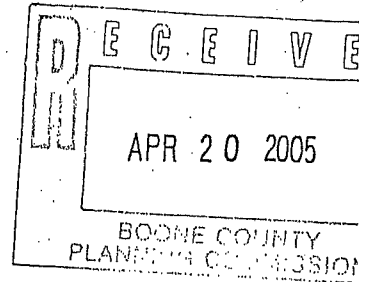
1 inch equals 150 feet

Produced by
Boone County Planning Commission
GIS Services Division
May 5, 2005



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 J.T. MILLER / AKIN + MILLER LAND DEVELOPERS
 Phone Number 513-629-1906 Fax No. 513-629-1050
 Applicant's Address 3693 PRIN LANE
BURLINGTON KY 41005
 City State Zip
 - Description of Request: AS PER BOONE CO. PLANNING COMMISSION REMAINING LOT 323 TO HAVE MIN. LOT WIDTH AT SETBACK PER IMPROVEMENT PLAN (EXH. B) INSTEAD OF ZONE MIN. (4)
 - Name of Development REMAINING LOT 323 PARLOR GROVE ESTATES SUB. SECT. 20
 - Location of Development BLAIR DRIVE
 - Acreage Under Review 0.6226 AC
 - Lot Number and Name of Subdivision (if part of a subdivision)
REMAINING LOT 323 PARLOR GROVE ESTATES SUB. SECT. 20
 - Owner of Property JACKSON HOMES LLC
 Phone Number of Owner 10 KYLES LANE SUITE 205
 - Address of Property Owner FT. WRIGHT KY. 41017
 City State Zip
 - Proposed Use(s) on Site SINGLE FAMILY RESIDENTIAL
 - Total Square Footage of Existing and/or Proposed Buildings N/A
 - Current Zoning on Property RS
 - Deed Book 890 Page No. 63 Group No. 4066
 - Is the site subject to a zone change? NO
 If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? SEE ATTACHED EXHIBITS
 - 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: J. Miller

Property Owner's Signature: JACKSON HOMES LLC

(over)

John Miller MEMBER

COPY

CLUR #05-BCBOA-009 -A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Jackson Homes LLC
10 Kyles Lane, Suite 205
Ft. Wright, KY 41017

2. ADDRESS OF PROPERTY

2221 Blair Drive
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Parlor Grove, Lot 323

4. DEED BOOK 890 PAGE NO. 63 GROUP NO. 2022

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

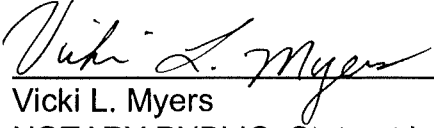

SIGNATURE OF COMPLETING OFFICIAL

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 Morgan on behalf of the
Boone County Planning Commission this 20 day of June, 2005.



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 Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of June 8, 2005 Certificate of Land Use Restriction (#05-BCBOA-009-A), for Jackson Homes LLC, Property Owner(s).

The following conditions will apply:

- 1) The limits of the cemetery and cemetery easement are to be delineated and staked in the field before the house is constructed.
- 2) There is to be no excavation in the cemetery easement.
- 3) A more thorough review of the house location will be conducted if a zoning permit is submitted to construct the dwelling.
- 4) There is to be a silt fence in addition to a cemetery barrier to insure that there is no disturbance of the cemetery easement.
- 5) The house is to be consistent with the other houses in the neighborhood in size and scope.

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

DEED BOOK 890

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GROUP NO. 2022