



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

NOV 9 2006

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- (Check One) 1. [X] Boone [ ] Florence [ ] Walton [ ] Union (Check One) 2. [X] Conditional Use Permit [ ] Variance [ ] Appeal [ ] Change in Non-Conforming Use 3. Applicant's Name LOOKOUT HILLS FARM - DONNA BRAY Phone Number 859-816-9395 Fax No. Applicant's Address 3300 BURLINGTON PIKE BURLINGTON KY 41005- City State Zip 4. Description of Request: HORSE BOARDING STABLE + RIDING LESSONS 5. Name of Development LOOKOUT HILLS FARM LLC 6. Location of Development 3300 BURLINGTON PIKE BURLINGTON KY 41005- 7. Acreage Under Review 5.25 8. Lot Number and Name of Subdivision (if part of a subdivision) 9. Owner of Property CHUCK + DONNA BRAY Phone Number of Owner 859-816-9395 10. Address of Property Owner BURLINGTON KY 41005- City State Zip 11. Proposed Use(s) on Site HORSE BOARDING STABLE + RIDING LESSONS 12. Total Square Footage of Existing and/or Proposed Buildings 11610 135 x 86 13. Current Zoning on Property RSE 14. Deed Book 386 Page No. 11 Group No. 2024 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: Donna Bray

Property Owner's Signature: Donna Bray

**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 11-9-06 Fee Received \$ (22,000) 251815
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
12/13/06 **Approved**  
\_\_\_\_\_ **Approved with Conditions** (See #6)  
\_\_\_\_\_ **Denial** (See #7)
6. Conditions of Approval: NONE  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://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: Lookout Hills Farm  
LOCATION: 3300 Burlington Pike, Boone County, Kentucky  
ZONING: Rural Suburban Estates (RSE)  
DATE: December 13, 2006

### Proposal

The Applicant is requesting a Conditional Use Permit to operate a commercial horse boarding business with riding lessons on property located at 3300 Burlington Pike. The submitted Concept Development Plan shows that following structures will be utilized in the operation:

1. An approximate 11,600 square foot (135' x 86') metal building which houses 18 horse stalls and an indoor riding arena; and
2. An approximate 1,800 square foot (50' x 36') barn which houses 6 horse stalls.

### 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 9, Section 913 of the Boone County Zoning Regulations permits commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) as a conditional use within a Rural Suburban Estates (RSE) 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 913 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 913 of the Boone County Zoning Regulations allows commercial kennels and boarding stables as a conditional use in the RSE district if the proposed facility meets the following criteria:

- a. the activity is an integral and subordinate function of a permitted agricultural, recreational or residential use; or
- b. the activity will not contradict the semi-suburban, open space character of the district;
- c. require or contribute to infrastructure need above that common of the district's permitted uses;
- 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 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for Suburban Residential uses. This designation is described as single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision.

The land use element (Burlington Area, pp. 150-152) makes the following statement regarding the general area:

To provide an appropriate entrance to the potential large western Boone County tourism area, KY 18 west of Burlington should maintain a rural appearance through unique subdivision design. As this area develops and anticipated school facilities are built, improvements to KY 18 will be needed, such as shoulders, reconstructed curves, improved sight distances, and sufficient intersection improvements in Burlington at KY 18 and KY 338. Suburban Residential Land Uses depicted on the 2030 Future Land Use Map in this area should not be developed until these conditions on KY 18 are improved, and adequate school capacity can be provided in the area.

#### Site Characteristics

The approximate 5.25 acre site contains a single-family residence, an approximate 11,600 square foot (135' x 86') metal horse barn and indoor riding arena, and an approximate 1,800 square foot (50' x 36') horse barn, and three fenced in horse riding and pasture areas.

Access to the single-family residence and barns is provided from a gravel driveway that connects to Burlington Pike. The driveway forks as you enter the property and one portion of the driveway leads to residence and the other to the horse barns. Most of the driveway ranges between 12 and 14 feet in width.

### Surrounding Land Uses and Zoning

North: 50 Acre Farm (A-2) (Zone Change is Pending)

South: Burlington Pike and Single-Family Residences (RSE)

East: Single-Family Residence on a 43 Farm (RSE)

West: 50 Acre Farm (A-2) (Zone Change is Pending)

### Staff Comments

1. In 2005, the definition of an agricultural <sup>at</sup> use was changed in the Kentucky Revised Statutes. The definition now includes tracts of least five contiguous acres used for the following activities involving horses:

- Riding lessons;
- Rides;
- Training;
- Projects for educational purposes;
- Boarding or related care; or
- Shows, competitions, and similar activities that are associated with youth and amateur programs with 70 or less participants.

However, the statute also states that such as use may be subject to regulation as a conditional use. Section 913 of the Boone County Zoning Regulations permits commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) as a conditional use within the Rural Suburban Estates (RSE) district.

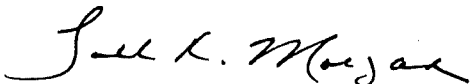
2. The applicant did receive a zoning permit to construct the 135' x 86' foot barn and indoor riding arena on September 20, 2005. Staff's understanding was that the building was not going to be used for commercial purposes and was not subject to a conditional use permit.
3. The applicant has made Staff aware that the larger building (white barn) has 18 horse stalls and that the smaller building (black barn) has 6 horse stalls. The owners currently own 10 horses and have 6 boarders.
4. Staff would like the applicant to explain their operation. In particular Staff would like answers to the following questions:
  - A. How many riding lessons are given in a typical week?
  - B. How many riding lessons could be given at single time?
  - C. What is the maximum number of stalls that could be leased out?

- D. How often do people that board their horses typically visit them?
  - E. How many horse trailers typically pull into the site on a daily or weekly basis?
  - F. Could any 4-H activities be held on site? If so, how many people would you estimate showing up and where would they park?
5. Staff is concerned about sight distance at the access point due to a vertical curve in the road (see attachments). Staff believes that the applicant's explanation regarding the typical number of visitors and number horse trailers pulling into site is key to the request. Two of the findings for granting the conditional use permit are:
- A. That the use will not be hazardous to existing or future neighboring uses and
  - B. That the use will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
6. Site Plan Review is not required because the use is an agricultural use as defined by the Kentucky Revised Statutes. However, Site Plan review could be required if the Board makes it a condition of approval. The requirement of Site Plan approval would require the site to be in conformance with the two-way drive standard (20' wide driveways) unless a waiver is granted by the Zoning Administrator and sight distance to be analyzed at the curb cut. The Boone County Zoning Regulations requires a motorist to have 430 feet of sight distance to the right and 475 feet of sight distance to the left when they are turning out of the development (see attachments).

#### 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,

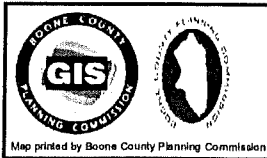


Todd K. Morgan, AICP  
Planner, Zoning Services

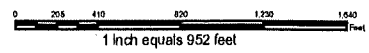
TKM/pr

#### Attachments

Site Vicinity Map  
Concept Development Plan  
Aerial Map  
Zoning Map  
Future Land Use Map  
Topographical Map  
Sight Distance Map  
Application

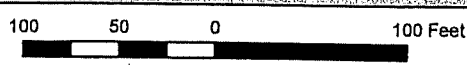
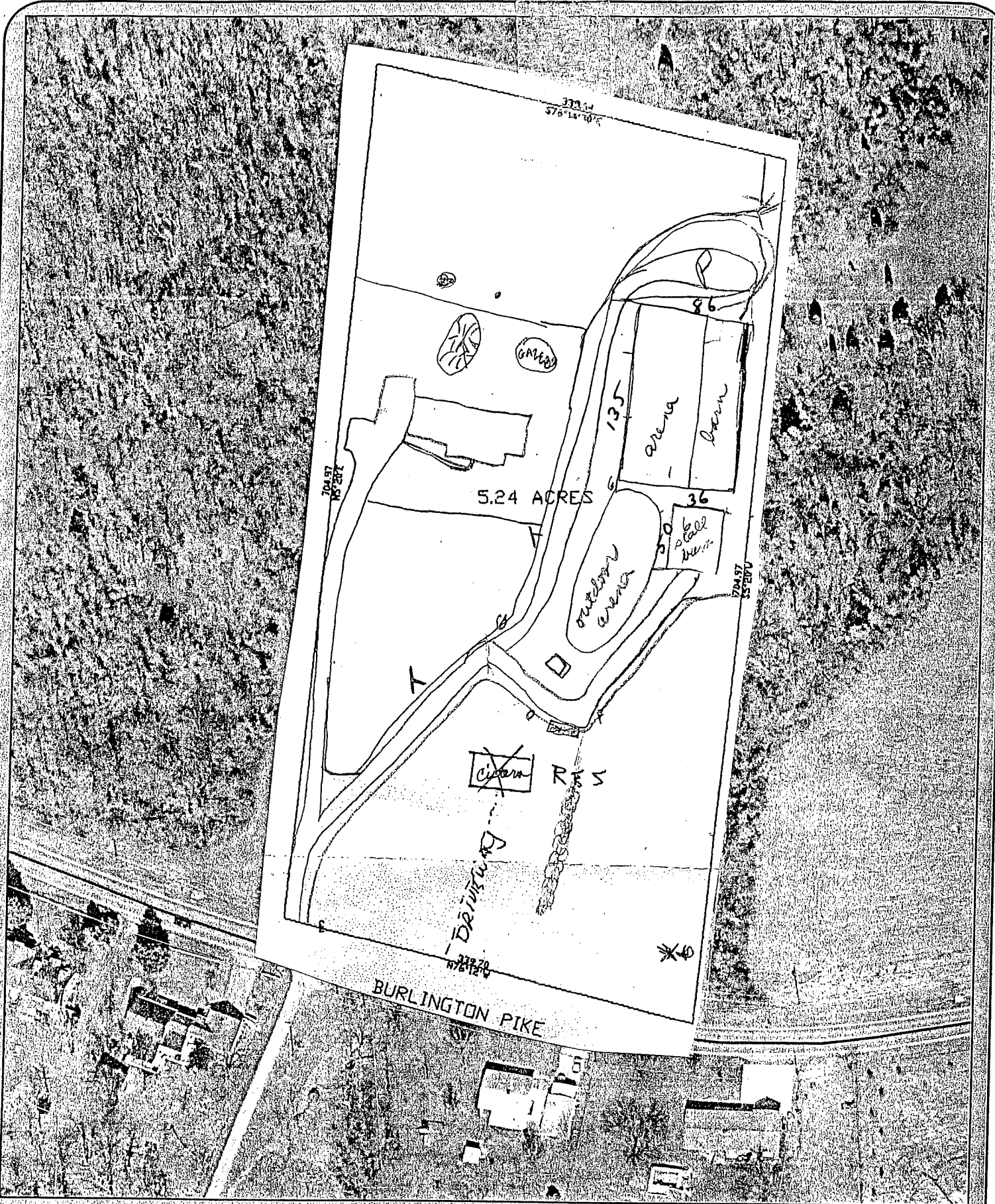


Boone County GIS extends no warranty relating to the accuracy or content of the information provided by this map. This map should be used for planning purposes only.



Copyright 2006 Boone County GIS  
 Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.





1 inch equals 100 feet

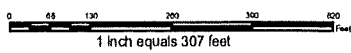
# 3300 Burlington Pike



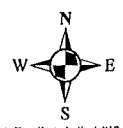


Map printed by Boone County Planning Commission

Boone County GIS extends no warranty relating to the accuracy or content of the information provided by this map. This map should be used for planning purposes only.



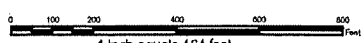
Copyright 2006 Boone County GIS  
 Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.



State Plane Kentucky North NAD 1983



Boone County GIS extends no warranty relating to the accuracy or content of the information provided by this map. This map should be used for planning purposes only.

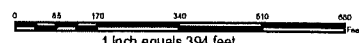


Copyright 2006 Boone County GIS  
 Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.





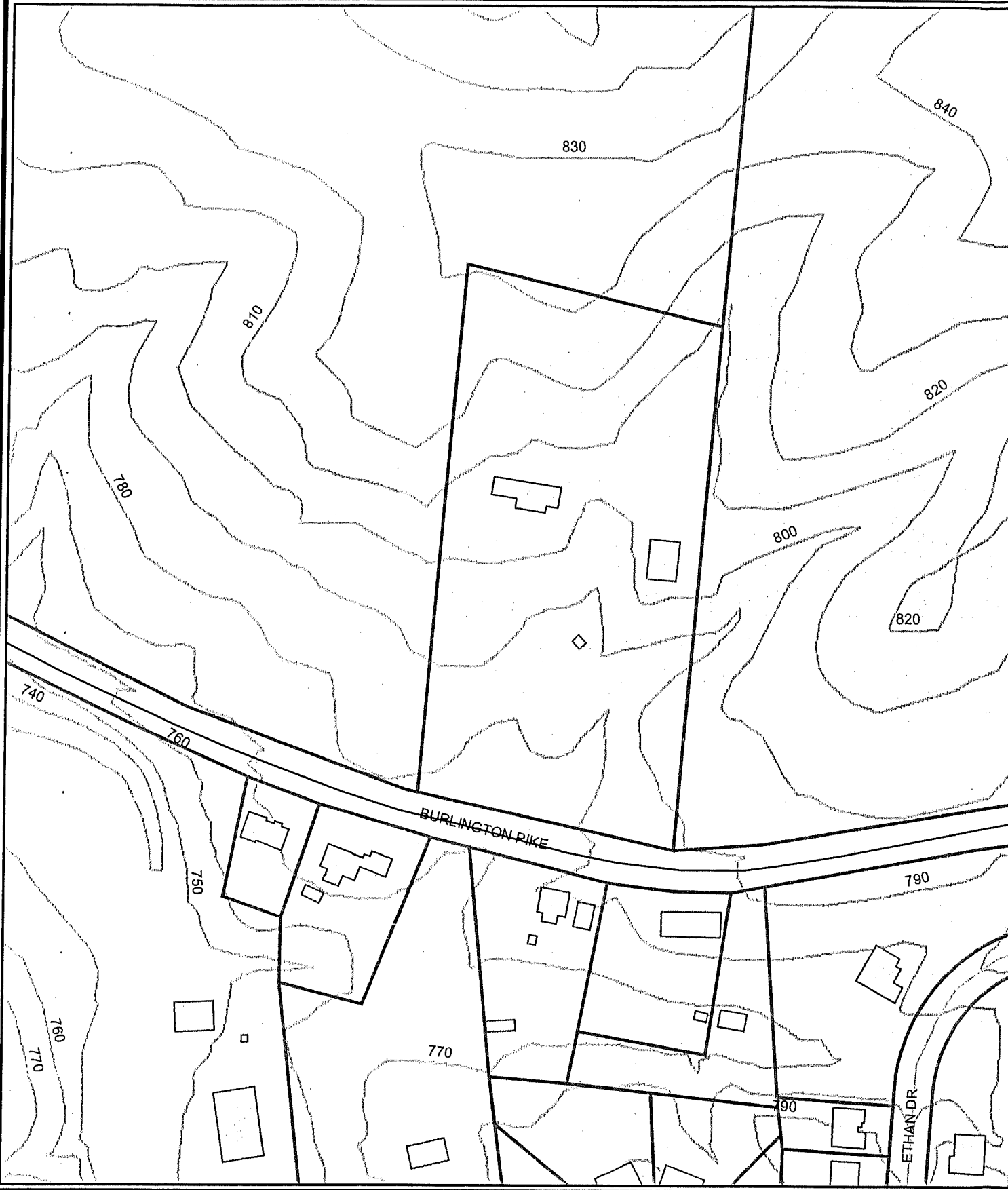
Boone County GIS extends no warranty relating to the accuracy or content of the information provided by this map. This map should be used for planning purposes only.



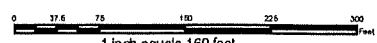
Copyright 2006 Boone County GIS  
 Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.



8th W. Plans Kentucky North NAD 1983



Boone County GIS extends no warranty relating to the accuracy or content of the information provided by this map. This map should be used for planning purposes only.



Copyright 2006 Boone County GIS  
 Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.



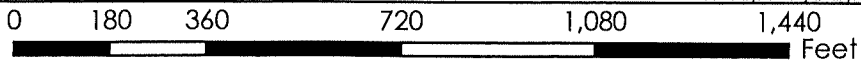
# Sight Distance

www.boonecountygis.com



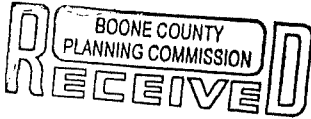
Copyright 2006 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



**Boone County GIS - Putting Northern Kentucky on the Map**





APPLICATION FORM

NOV 9 2006

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
3. Applicant's Name LOOKOUT HILLS FARM - DONNA BRAY
Phone Number 859-816-9395 Fax No.
Applicant's Address 3300 BURLINGTON PIKE
BURLINGTON KY 41005
City State Zip
4. Description of Request: HORSE BOARDING STABLE +
RIDING LESSONS
5. Name of Development LOOKOUT HILLS FARM LLC
6. Location of Development 3300 BURLINGTON PIKE
BURLINGTON KY 41005
7. Acreage Under Review 5.25
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property CHUCK + DONNA BRAY
Phone Number of Owner 859-816-9395
10. Address of Property Owner BURLINGTON KY 41005
City State Zip
11. Proposed Use(s) on Site HORSE BOARDING STABLE +
RIDING LESSONS
12. Total Square Footage of Existing and/or Proposed Buildings 11610 135x86
13. Current Zoning on Property RSE
14. Deed Book 386 Page No. 11 Group No. 2024
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: Donna Bray

Property Owner's Signature: Donna Bray

COPY

CLUR #06-BCBOA-021-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Chuck and Donna Bray  
3300 Burlington Pike  
Burlington, KY 41005
  
2. ADDRESS OF PROPERTY  
3300 Burlington Pike  
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Lookout Hills Farm
  
4. DEED BOOK 386                      PAGE NO. 11                      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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

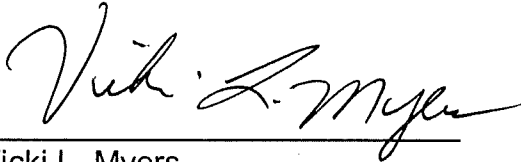
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

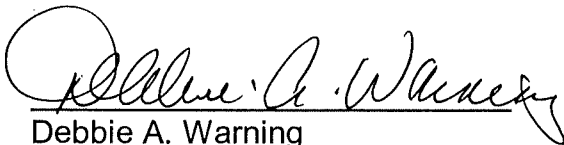
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 14 day of December, 2006.



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  
2950 Washington Street, Room 317  
P.O. Box 958  
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 13, 2006 Certificate of Land Use Restriction (#06-BCBOA-021-A), for Chuck and Donna Bray, 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 386 PAGE NO. 11 GROUP NO. 2024