

07-BCBA-002-A

APPLICATION FORM

JAN 24 2007  
FEB

**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 MICHAEL STORK  
Phone Number 859-586-6902 Fax No. \_\_\_\_\_  
Applicant's Address 3288 EASTON LANE  
BURLINGTON Ky 41005  
City State Zip
- 4. Description of Request: CUP FOR RS PORTION OF PROPERTY  
TO ALLOW BOARDING, TRAINING, LESSONS, BREEDING, RIDING
- 5. Name of Development \_\_\_\_\_
- 6. Location of Development 3288 EASTON LN
- 7. Acreage Under Review 8.69
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
PARCEL 1 STORK MEADOWS SUBDIVISION
- 9. Owner of Property MICHAEL & MARIANNE STORK  
Phone Number of Owner 859-586-6902
- 10. Address of Property Owner BURLINGTON Ky 41005  
City State Zip
- 11. Proposed Use(s) on Site HORSE BOARDING, TRAINING, LESSONS  
BREEDING, RIDING
- 12. Total Square Footage of Existing and/or Proposed Buildings ~~\_\_\_\_\_~~ 9600 EXISTING
- 13. Current Zoning on Property SPLIT A2+RS 2600 ADDITION
- 14. Deed Book 320 Page No. 191 Group No. 2017
- 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: Michael B Stork

Property Owner's Signature: Michael B Stork

**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 1-24-07 Fee Received \$621.00 R#52339
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
2/14/07  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: Michael Stork  
LOCATION: 3288 Easton Lane, Boone County, Kentucky  
ZONING: Agricultural Estate (A-2) & Rural Suburban (RS)  
DATE: February 14, 2007

### Proposal

The applicant is requesting a Conditional Use Permit to operate a commercial horse boarding stable with training, riding lessons, and breeding on property located at 3288 Easton Lane. The submitted Concept Development Plan shows that the business will be run out of an existing 9,600 square foot (120' x 80') barn that is located on the property. The applicant also wants the flexibility to construct a 3,600 square foot (120' x 30') addition onto the barn in the event that he wants to expand the business.

### Applicable Regulations

Article 6, Section 613 of the Boone County Zoning Regulations principally permits riding and boarding stables in the Agricultural Estate (A-2) 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) as a Conditional Use in the Rural Suburban (RS) district.

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.

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 that 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 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for Rural Density Residential and Developmentally Sensitive uses. These designations are described as follows:

Rural Density Residential - "Low density residential uses of up to one dwelling unit per acre."

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. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project..."

#### Site Characteristics

The 8.69 acre site contains a single-family residence and a 9,600 square foot (120' x 80') metal horse barn. Access to the single-family residence and horse barn are provided from a 10 to 12 foot wide driveway which connects to Easton Lane. The rear third of the property is heavily wooded and has severe topography. The rear property line runs along Woolper Creek.

Surrounding Land Uses and Zoning

- North: 16 acre parcel owned by Kenton County Airport Board (A-2)
- South: Easton Lane, property owned by Kenton County Airport Board, 80 Acre Farm (RS & A-2)
- East: 4 acre parcel owned by Kenton County Airport Board (RS & A-2)
- West: 34 Acre Farm (RS & A-2)

Staff Comments

1. In 2005, the definition of an agricultural 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.

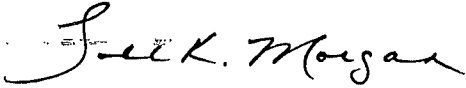
However, the statute also states that such as use may be subject to regulation as a conditional use. Section 923 of the Boone County Zoning Regulations permits commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) as a conditional use within the Rural Suburban (RS) district.
2. The applicant did receive a zoning permit to construct the 120' x 80' foot barn on June 22, 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 barn has 10 horse stalls. The stalls are occupied with his personal horses and 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. What is the maximum number of stalls that could be leased out?
  - C. How often do people that board their horses typically visit them?
  - D. How many horse trailers typically pull into the site on a daily or weekly basis?
  - E. Could any 4-H activities be held on site? If so, how many people would you estimate showing up and where would they park?
  - F. How many horses are sold in a typical year?

5. 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.

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  
Senior Planner, Zoning Services

TKM/pr

Attachments

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

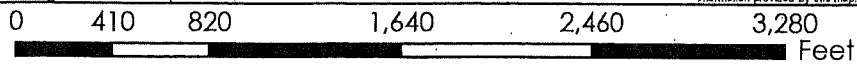
# 3288 Easton Lane

www.boonecountygis.com



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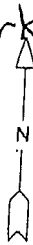


**Boone County GIS - Putting Northern Kentucky on the Map**



Owner: Mike & Marianne Stork  
3288 Easton Ln.  
Burlington, KY 41005

Builder: Same.



Airport Board

PARCEL ONE (1)

STORK MEADOWS

SUBDIVISION

8.69  
ACRES

Airport Board

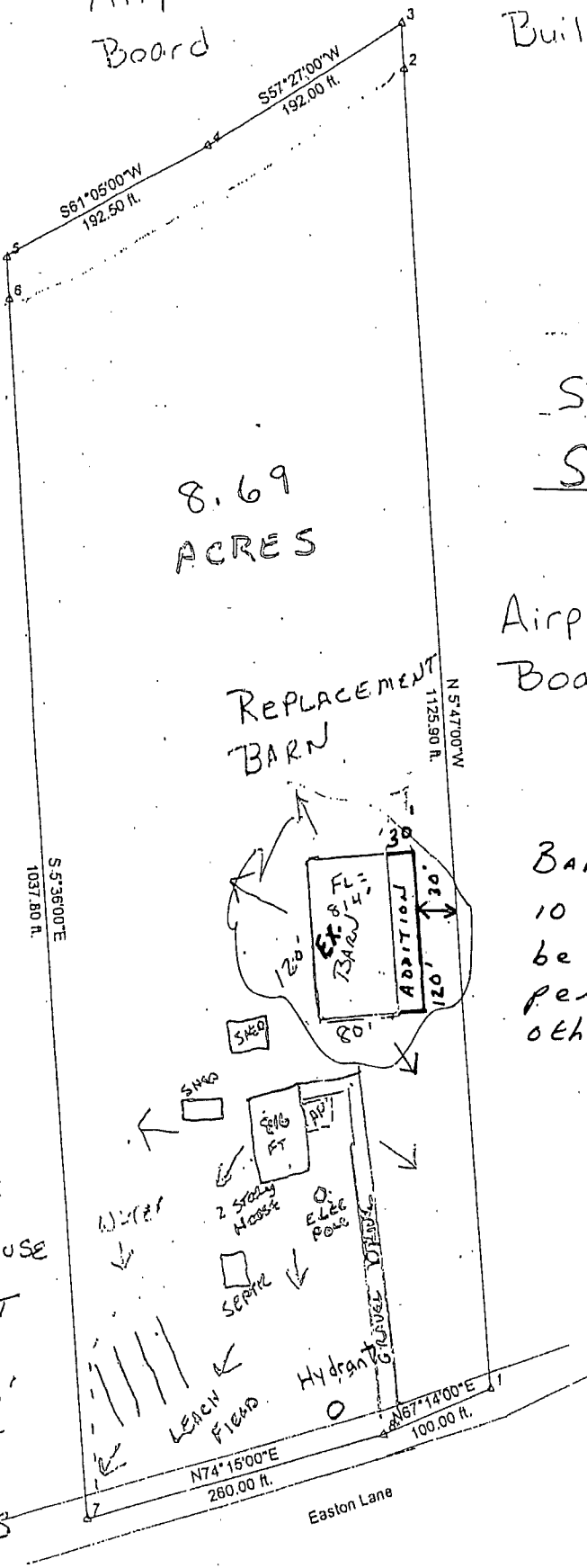
Harold Stork

REPLACEMENT BARN

BARN currently contains 10 stalls. stalls will be used to board his personal horses and others will be leased.

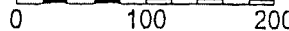
200' SET BACK FROM HOUSE TO STREET

APPROX 150' FROM EAST & WEST PROP LINES



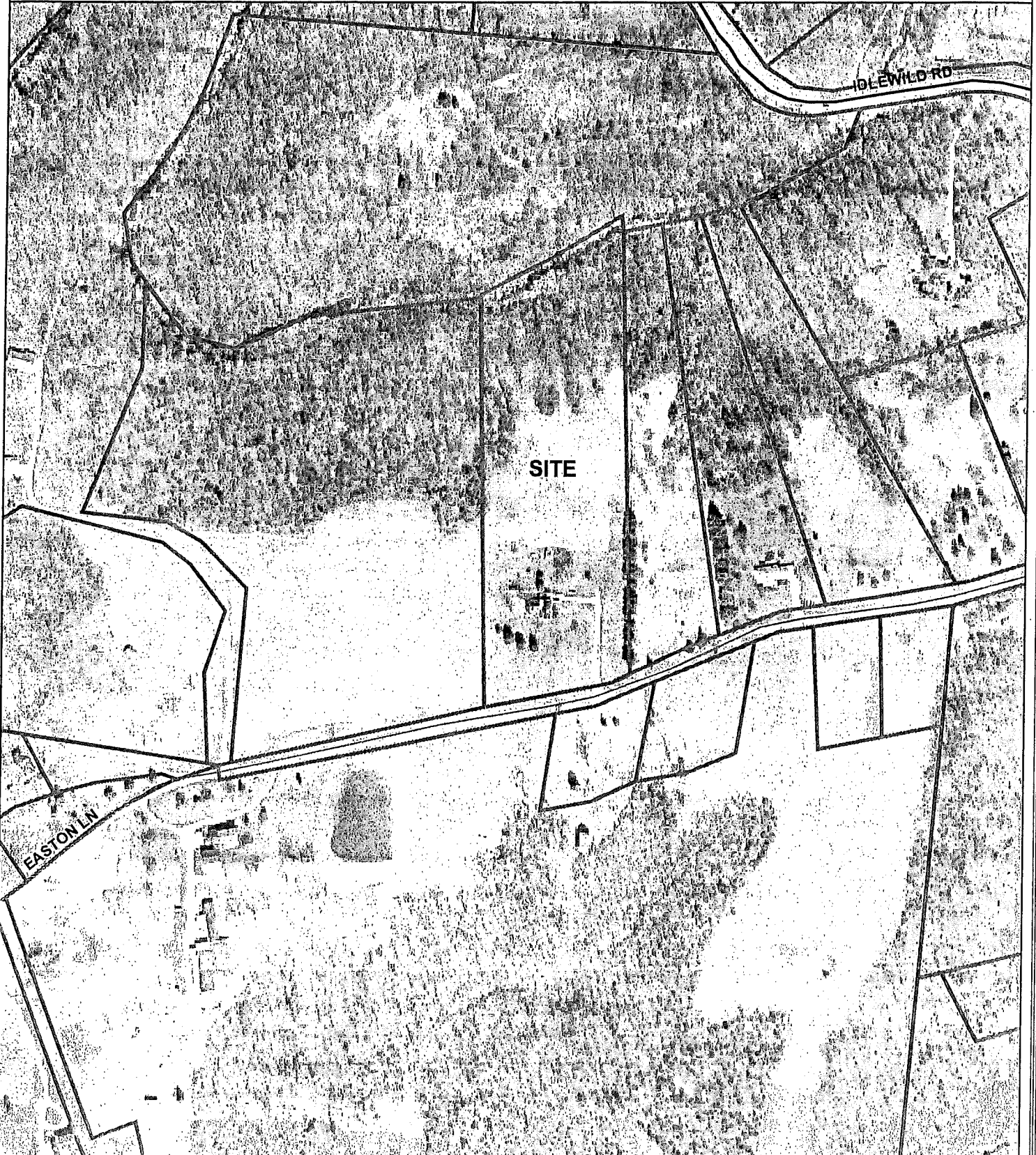
PREPARED BY  
MIKE STORK  
5-23-2005

Input Survey Data  
Scale: 1 in. = 150.0 ft.



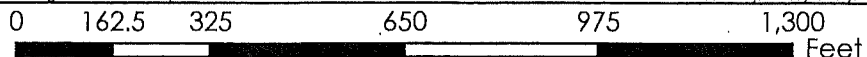
# 3288 Easton Lane

www.boonecountygis.com



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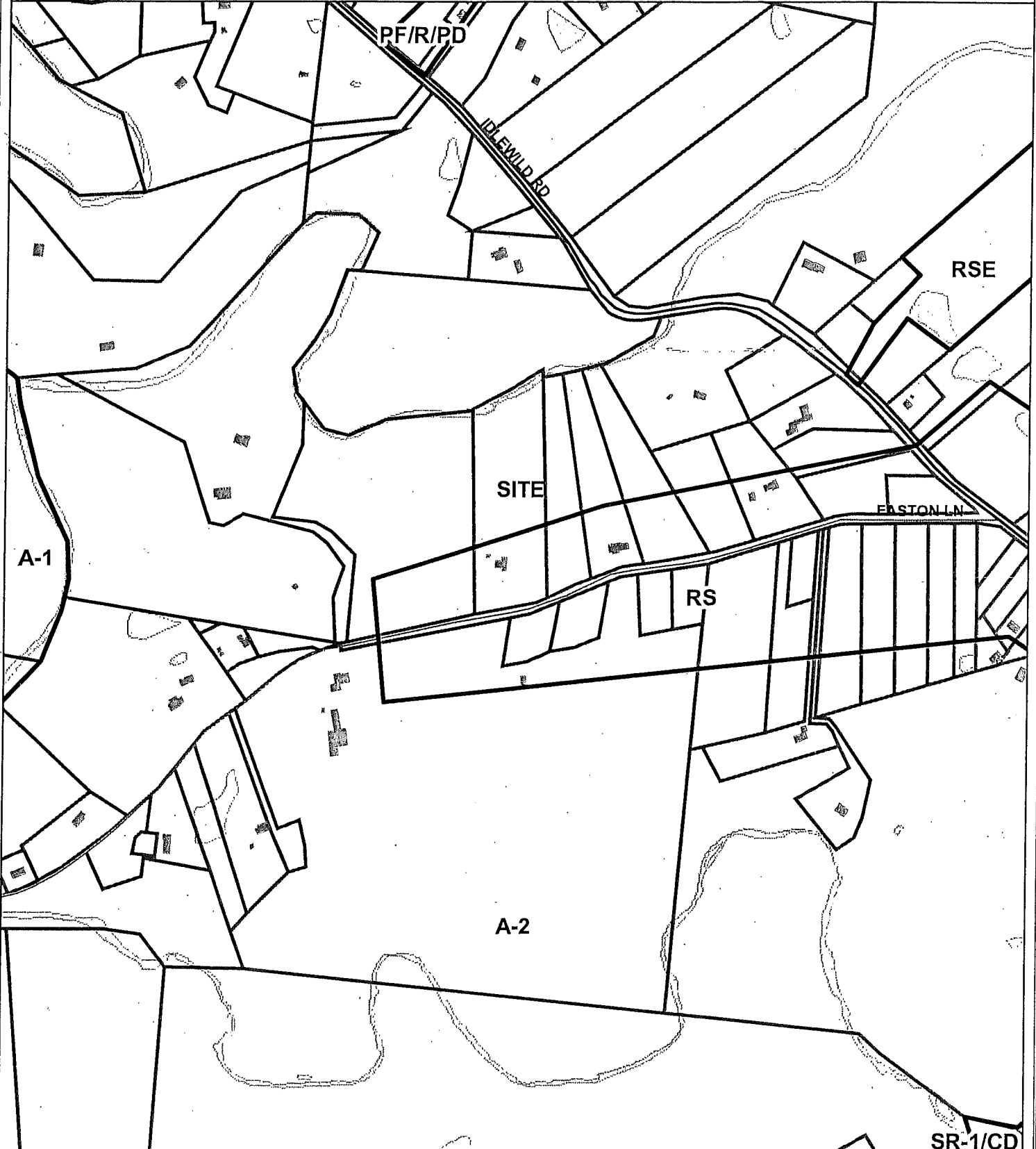


**Boone County GIS - Putting Northern Kentucky on the Map**



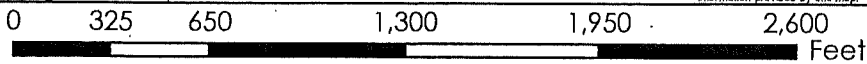
# 3288 Easton Lane

www.boonecountygis.com



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1 inch equals 637 feet

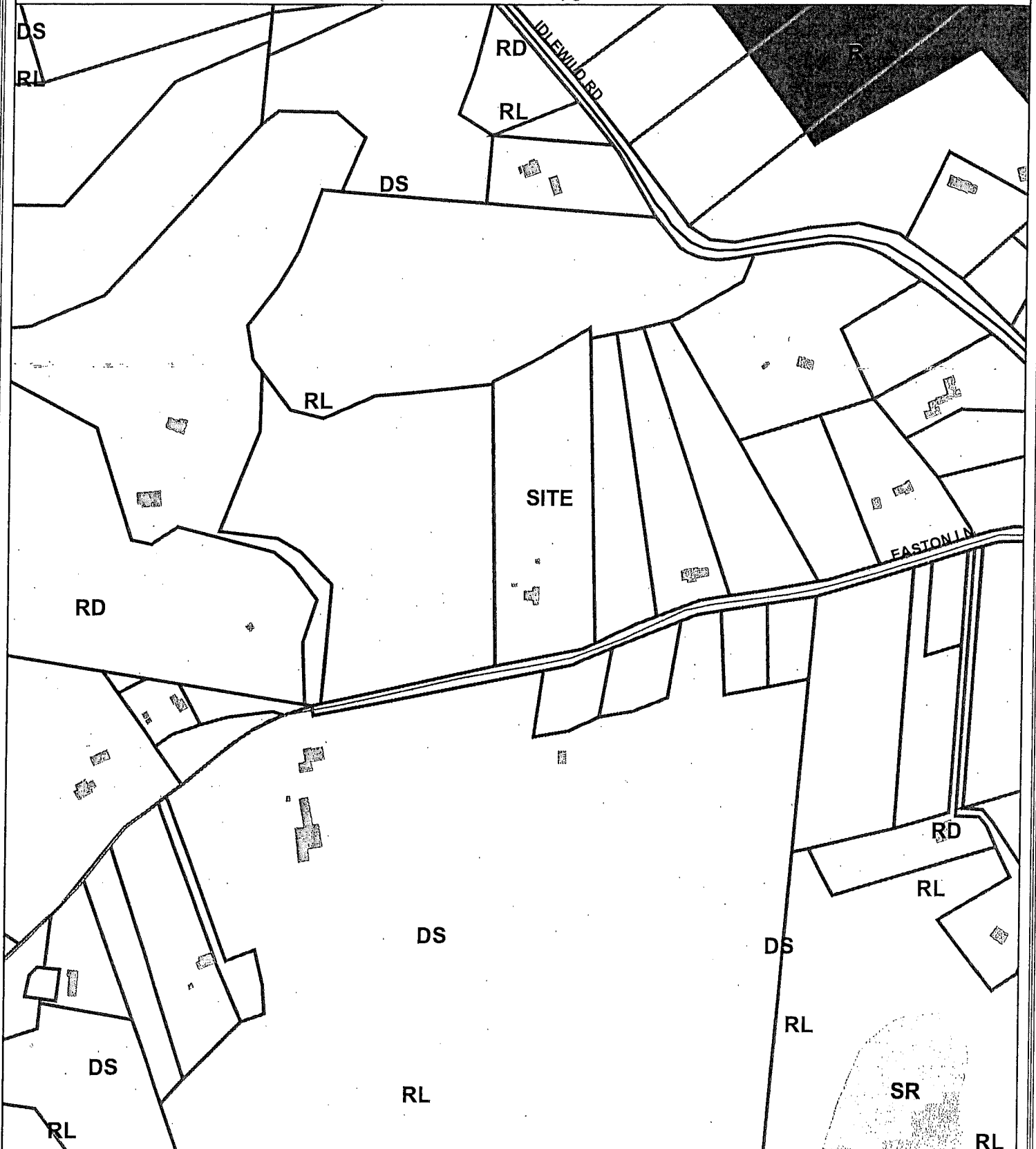


**Boone County GIS - Putting Northern Kentucky on the Map**



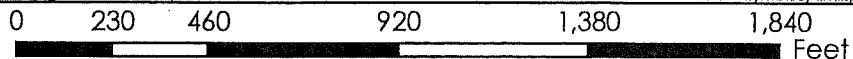
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1 inch equals 460 feet



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



RECEIVED  
BOONE COUNTY PLANNING COMMISSION

APPLICATION FORM

JAN 24 2007  
FEB 05 2007

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 MICHAEL STORK  
Phone Number 859-586-6902 Fax No. \_\_\_\_\_  
Applicant's Address 3288 EASTON LANE  
BURLINGTON Ky 41005  
City State Zip

4. Description of Request: CUP FOR RS PORTION OF PROPERTY

TO ALLOW BOARDING, TRAINING, LESSONS, BREEDING, RIDING

5. Name of Development \_\_\_\_\_

6. Location of Development 3288 EASTON LN

7. Acreage Under Review 8.69

8. Lot Number and Name of Subdivision (if part of a subdivision)  
PARCEL 1 STORK MEADOWS SUBDIVISION

9. Owner of Property MICHAEL & MARIANNE STORK

Phone Number of Owner 859-586-6902

10. Address of Property Owner BURLINGTON Ky 41005  
City State Zip

11. Proposed Use(s) on Site HORSE BOARDING, TRAINING, LESSONS  
BREEDING, RIDING.

12. Total Square Footage of Existing and/or Proposed Buildings ~~7777~~ 9600 EXISTING

13. Current Zoning on Property SPLIT A2+RS 2600 ADDITION

14. Deed Book 320 Page No. 191 Group No. 2017

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: Michael G Stork

Property Owner's Signature: Michael G Stork

COPY

CLUR #07-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Michael & Marianne Stork  
3288 Easton Lane  
Burlington, KY 41005
2. ADDRESS OF PROPERTY  
3288 Easton Lane  
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
\_\_\_\_\_
4. DEED BOOK 320                      PAGE NO. 191                      GROUP NO. 2017
5. TYPE OF RESTRICTION(S) (Check all that apply)
- \_\_\_\_ Zoning Map Amendment:                      X 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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

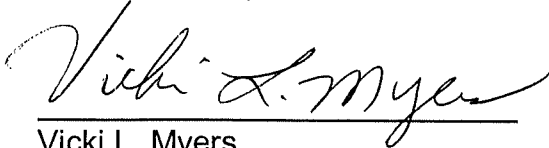
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

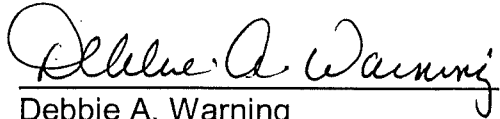
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 15 day of February, 2007.



Vicki L. Myers  
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  
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 February 14, 2007 Certificate of Land Use Restriction (#07-BCBOA-002-A), for Michael & Marianne Stork, 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 320 PAGE NO. 191 GROUP NO. 2017