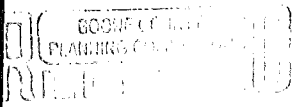


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



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

MAR 19 2007

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name: Rebecca Lewis, Phone Number: (859) 689-0016, Email: airwaypetresort@aol.com, Address: 4035 Easton Lane, Burlington Ky 40005
4. Description of Request: to allow commercial boarding facility w/13 dog runs.
5. Name of Development: Airway Pet Resort
6. Location of Development: 4035 Easton Ln
7. Acreage Under Review: 5.2 acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property: Rebecca Lewis, Phone Number of Owner: 859-689-0016
10. Address of Property Owner: Burlington Ky 40005
11. Proposed Use(s) on Site: grooming (existing) + proposed boarding
12. Total Square Footage of Existing and/or Proposed Buildings: 1400 sq. ft grooming/boarding
13. Current Zoning on Property: A1 959
14. Deed Book: 888 Page No. Group No. 2029 + 2017
15. Is the site subject to a zone change? no
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: Rebecca Lewis

Property Owner's Signature: Rebecca Lewis

**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 3-19-07 Fee Received SOLD REVERTS 1
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
4/11/07 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 4/11/07 BCBOA  
MEETING MINUTES
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: Rebecca Lewis  
LOCATION: 4035 Easton Lane, Boone County, Kentucky  
ZONING: Agriculture (A-1)  
DATE: April 11, 2007

### Proposal

The applicant is requesting a Conditional Use Permit to allow her dog grooming business to expand and include a commercial kennel with 13 dog runs. The applicant initially constructed two dog runs behind her dog grooming business in 1997 for her own dogs. In 2001, she expanded the number of dog runs from 2 to 13 and started commercial boarding. The applicant was unaware that she needed to apply for a Conditional Use Permit from the Board of Adjustment before she opened the commercial kennel.

### Site History

In September 1997, Staff approved a home occupation permit allowing a dog grooming business to operate out of an attached garage (see attachments). The application should not have been approved because the 1996 zoning code listed dog grooming as a conditional use in the A-1 zone.

### Site Characteristics

The 5.2 acre site is located on the north and south sides of Easton Lane. The applicant's house and attached dog grooming are located on the south side of the road and undeveloped land which adjoins Woolper Creek is located on the north side of the road.

The property contains two driveways. The first driveway is approximately 13' wide and serves the dog grooming business, while the second driveway is used exclusively by occupants of the single-family dwelling. The 13 dog runs are fenced in and are located immediately behind the dog grooming business. The rear of the property is heavily wooded and the topography falls from 700 feet above sea level near the rear property line to 560 feet above sea level at Easton Lane.

### Applicable Regulations

Section 611 of the Boone County Zoning Regulations lists "veterinary services and animal hospitals" as principally permitted use in the Agriculture (A-1) zoning district. These uses are subject to Site Plan review.

Section 613 of the Boone County Zoning Regulations lists "commercial kennels" as a conditional use in the Agriculture (A-1) zoning district. The property must be at least 5 acres in size and is subject to Site Plan review.

Section 3312 of the Boone County Zoning Regulations states that all parking areas shall be striped to facilitate the movement into and out of parking stalls.

Section 3323 of the Boone County Zoning Regulations states that the minimum width of a two-way driveway shall be 20 feet.

The Board should evaluate the applicant's request for a Conditional Use Permit as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 613 of the Boone County Zoning Regulations.

Findings listed in Section 262:

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 6, Section 613 of the Boone County Zoning Regulations allows hunting grounds, fishing lakes, and resorts as a conditional use in the A-1 district provided that:

- a. the activity is an integral part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district;
- b. the activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and
- c. 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 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question as a mixture of Rural Lands, Rural Density Residential, and Developmentally Sensitive uses. These designations are described as follows:

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 – “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...”

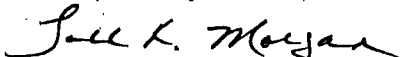
#### Staff Comments

1. The applicant has provided a letter indicating that the business typically generates 4 to 6 car trips per day and that all dogs are kept indoors at night. She has also provided a 2007 inspection sheet from Boone County Animal Control indicating that the business is in “good” condition (see attachments).
2. The driveway which serves the business is approximately 13 feet wide and does not meet the 20 foot width requirement of the Boone County Zoning Regulations. The Zoning Administrator has indicated that he will grant a Waiver to reduce the width of the driveway to 13 feet if the Board grants the Conditional Use Permit. He believes that the 13 foot wide driveway will be sufficient when considering the topography of the site and the low amount traffic that the business will generate.
3. Staff believes that the commercial kennel will have little to no impact on adjoining properties. There are no single-family residences within close proximity to the kennel operation.
4. Staff recommends the following conditions if the request is approved:
  - A. The kennel shall be limited to 13 dog runs.
  - B. All dogs shall be kept indoors at night.
5. The applicant will need to submit a Minor Site Plan if the conditional Use Permit is approved. The Site Plan will need to show the location of the dog runs and the proposed parking lot striping.

#### Conclusion

Sections 262 and 613 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  
Senior Planner, Zoning Services

TKM/pr

Attachments

- \*Site Vicinity Map
  - \*Concept Development Plan
  - \*Letter from Applicant
  - \*2007 Inspection From Boone County Animal Control
  - \*1997 Home Occupation License
  - \*Aerial Map
  - \*Zoning Map
  - \*Application
-

# Site Vicinity Map

www.boonecountygis.com



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1 inch equals 1,039 feet

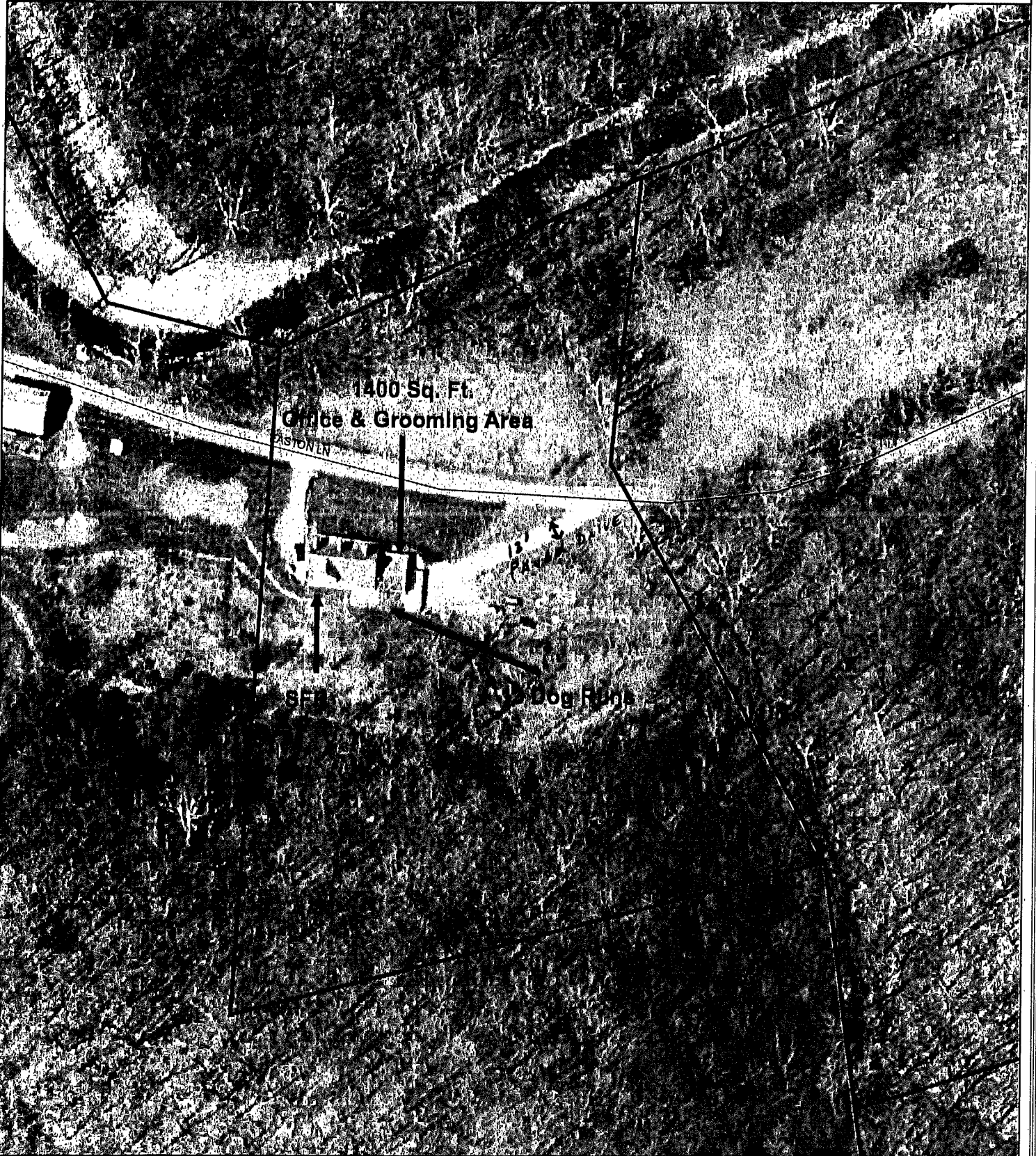


**Boone County GIS - Putting Northern Kentucky on the Map**



# Concept Plan

www.boonecountygis.com



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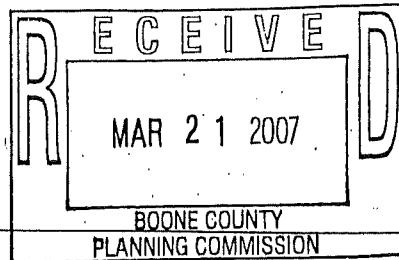
0 60 120 240 360 480 Feet

1 inch equals 117 feet



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





3/17/07

To Whom it May Concern,

Airway Pet has a current level of operation of: 4 days per week - winter hours, and 6 days per week - summer months (3). On the average - 4-6 vehicles daily except off days. Max capacity at no more than 16 at any one given time.

The business was started in 1997 & expanded in 2000-2001.

Grooming appts are offered:

- 5 days per week (4-winter) 9am-1pm

Boarding appts are staggered with

- available hrs - 9-11am + 4-6pm

All animals are secured indoors at night.

All areas are bleached & pressure

washed on a Daily basis

Facility has 2 separate septic holding tanks that are pumped bi-annually.

Blacktop drive way offers parking for 6 vehicles.

Thank you for your consideration.

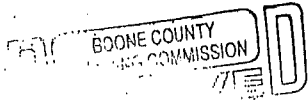
Deborah Lewis  
Airway Pet 689-0011



Animal Care & Control  
 5643 Idlewild Road  
 Burlington, KY 41005  
 606-586-5285

Commercial Animal Establishment  
 Inspection Sheet

Date 8-11-99  
 Officer B. REITER



Type of Establishment:

- Pet Shop
- Boarding Kennel
- Groomer
- Auction
- Petting Zoo
- Circus
- Animal Exhibitor
- Breeding Kennel
- Other Breeding, Buying, or Selling (Specify) \_\_\_\_\_

MAR 19 2007

Name of Establishment: AIRWAY PET GROOMING  
 Address: 4035 EASTON LN. BURLINGTON  
 Phone: 689-0016  
 Location: SAME

Number of Animals: 4 (Pet Shop, Approximate excluding fish)

1. Enclosures: (surfaces, perches, etc.)  Pass  Fail Comments: \_\_\_\_\_
2. Building Temperature & Ventilation:  Pass  Fail Comments: \_\_\_\_\_
3. Space for Animals:  Pass  Fail Comments: \_\_\_\_\_
4. Cleanliness:  Pass  Fail Comments: \_\_\_\_\_
5. Food & Water:  Pass  Fail Comments: \_\_\_\_\_
6. Physical Condition of Animals:  Pass  Fail Comments: \_\_\_\_\_
7. Insect Control:  Pass  Fail Comments: \_\_\_\_\_
8. Veterinarian: DR. HODGES Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Additional Comments: OVERALL CONDITIONS - GOOD



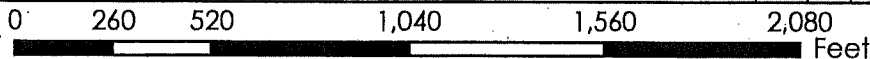
# Aerial Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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1 Inch equals 506 feet

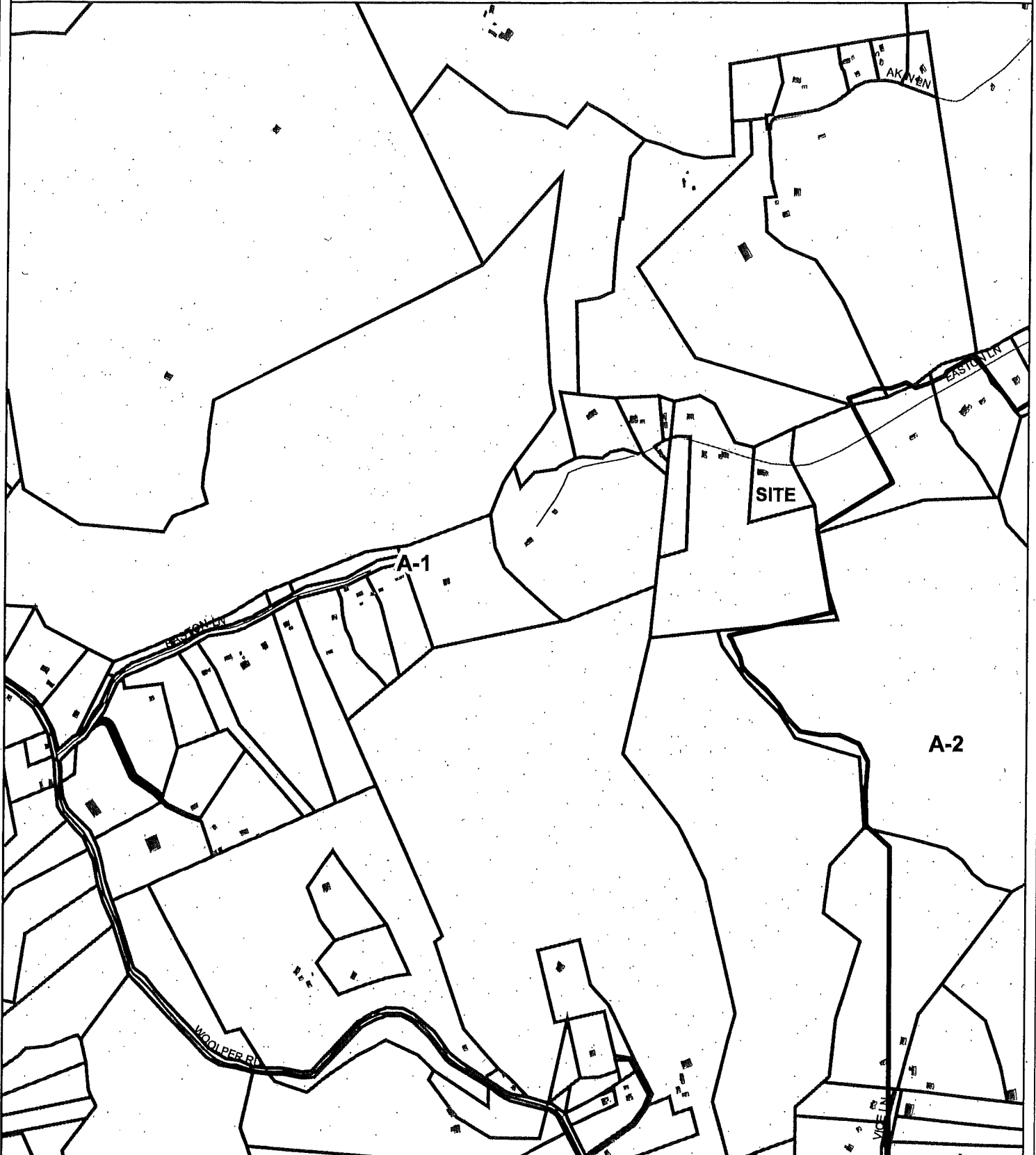


**Boone County GIS - Putting Northern Kentucky on the Map**



# Zoning Map

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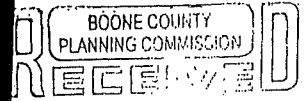


**Boone County GIS - Putting Northern Kentucky on the Map**



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)

MAR 19 2007

- (Check One)
- Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
  - (Check One)  
 Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
  - Applicant's Name Rebecca Lewis  
Phone Number (859) 689-0016 email No. airwaypetresort@aol.com  
Applicant's Address 4035 Easton Lane  
Burlington Ky 41005  
City State Zip
  - Description of Request: to allow commercial boarding facility  
w/13 dog runs.
  - Name of Development Airway Pet Resort
  - Location of Development 4035 Easton Ln
  - Acreage Under Review 5.2 acres
  - Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
  - Owner of Property Rebecca Lewis  
Phone Number of Owner 859-689-0016
  - Address of Property Owner Burlington Ky 41005  
City State Zip
  - Proposed Use(s) on Site grooming (existing) + proposed boarding
  - Total Square Footage of Existing and/or Proposed Buildings 1400 sq. ft grooming/office
  - Current Zoning on Property A1 959 area
  - Deed Book 888 Page No. \_\_\_\_\_ Group No. 2024 + 2017
  - Is the site subject to a zone change? no  
If yes, give date of approval \_\_\_\_\_
  - Have you submitted a Site Plan with this request? yes
  - 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: Rebecca Lewis

Property Owner's Signature: Rebecca Lewis

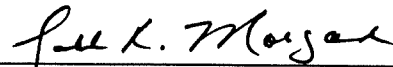
COPY

CLUR #07-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S).  
Rebecca Lewis  
4035 Easton Lane  
Burlington, KY 41005
2. ADDRESS OF PROPERTY  
4035 Easton Lane  
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Airway Pet Resort
4. DEED BOOK 888      PAGE NO. 959      GROUP NOS. 2024 & 2017
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



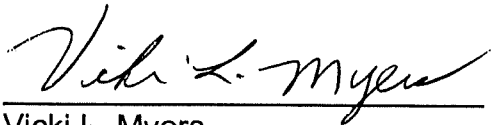
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

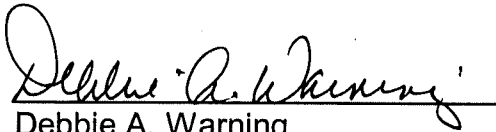
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 24 day of April, 2007.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2011

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 April 11, 2007 Certificate of Land Use Restriction (#07-BCBOA-004-A), for Rebecca Lewis, Property Owner(s).

The following conditions will apply:

- 1) The kennel is limited to 13 dog runs.
- 2) All dogs are to be kept indoors at night.
- 3) A Minor Site Plan showing the location of the dog runs and the proposed parking lot striping is required.
- 4) A Waiver will need to be granted by the Zoning Administrator reducing the width of the driveway to 13 feet.

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

DEED BOOK 888 PAGE NO. 959 GROUP NOS. 2024 & 2017