

SEP 14 2006
OCT 15 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 _____

_____ Change in Non-Conforming Use

3. Applicant's Name Roy Stephenson
Phone Number 859-586-6343 Fax No. _____
Applicant's Address 4172 Bellview Rd
Petersburg Ky 41080
City State Zip

4. Description of Request: Haunted Hayride +
Agricultural Sales

5. Name of Development _____

6. Location of Development 4172 Bellview Rd

7. Acreage Under Review 136.99

8. Lot Number and Name of Subdivision (if part of a subdivision) _____

9. Owner of Property Roy Stephenson

10. Address of Property Owner 4172 Bellview Rd Phone No. 859-586-6343
Petersburg Ky 41080
City State Zip

11. Proposed Use(s) on Site Haunted hayride ag sales

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property RS + A-1

14. Deed Book 851 Page No. 979 Group No. 2015

15. Is the site subject to a zone change? _____

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? _____

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: Roy Stephenson

Property Owner's Signature: Roy Stephenson

**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 9-14-07 Fee Received 1001.00 RA 5411410
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/10/07 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 10/10/07 BCBOA Meeting
minutes + CLR
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 - 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: Roy Stephenson

LOCATION: 137 Acre Site Located at 4172 Belleview Road, Boone County, Kentucky

ZONING: Rural Suburban (RS) & Agriculture (A-1)

DATE: October 10, 2007

Proposal

The Applicant is requesting a Conditional Use Permit to allow agricultural exhibit and sales functions at the above referenced location. These functions include haunted hay rides, sales of agricultural products, and accessory parking. These activities are already occurring on the property in some capacity.

Applicable Regulations

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

Article 9, Section 923 of the Boone County Zoning Regulations permits "country clubs, clubhouses, lodges and similar places of assembly or entertainment--including the operation of eating and drinking establishments with alcoholic beverages (Site Plan Review required)" as a Conditional Use in the RS zone.

Article 6, Section 613 of the Boone County Zoning Regulations permits "botanical gardens and arboretums, nature preserves, wildlife habitats and other natural exhibitions (Site Plan Review required)" as a Conditional Use in the A-1 zone.

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

Article 33, Section 3312 of the Boone County Zoning Regulations states that "all parking areas shall be striped to facilitate movement into and out of the parking stalls."

Article 33, Section 3314 of the Boone County Zoning Regulations states that "all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface."

The Board shall 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.

The "general standards" listed in Section 262 include:

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 the proposed uses in the RS zone as Conditional Uses provided:

- 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 than 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

Article 6, Section 613 of the Boone County Zoning Regulations allows the proposed uses in the A-1 zone as Conditional Uses provided:

- 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;
or
- 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 Map" designates the vast majority of the site as Rural Lands (RL), Rural Density Residential (RD) uses, and Developmentally Sensitive (DS). The designations are defined as follows:

Rural Lands (RL): 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 (RD): Low density residential uses of up to one dwelling unit per acre.

Developmentally Sensitive (DS): 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.

The Land Use Element (21. Petersburg Area, p. 157) states the following regarding the overall area:

"This section of Boone County is characterized by the town of Petersburg and the western-most portion of KY 20. Much of the land is Developmentally Sensitive, undeveloped, or in agricultural uses. Petersburg could potentially be a resource for heritage tourism in the county due to its history and river heritage."

"Development in the Petersburg area should protect the scenic characteristics of the hillsides and river plains."

Site Characteristics

The site contains approximately 137 acres and has approximately 3,800 feet of road frontage along Belleview Road (KY 20). There is a residence and several farm structures on the property. The Stephenson property is an active farm having open pasture land with some pockets of tree cover. The topography of the property rolls upward from Belleview Road (KY 20). The lowest portions of the property are along Belleview Road (KY 20) where the structures and the access points, including the entrance and exit for the temporary "parking lot," are located.

Surrounding Land Uses and Zoning

The land uses and zoning adjacent to the site include the following.

North: Properties owned by Black, Estes and Nunn zoned Rural Suburban (RS) and Agriculture (A-1)

East: Properties owned by Wainscott and Remke zoned Agriculture (A-1)

South: Property owned by Lancaster zoned Rural Suburban (RS) and Agriculture (A-1)

West: Across KY 20 the Boone Markland Subdivision zoned Rural Suburban (RS)

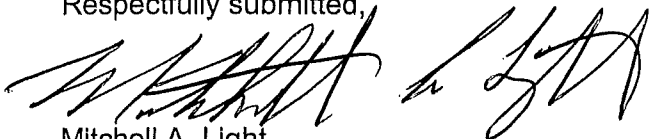
Staff Comments

1. Staff would like the Applicant to answer the following questions:
 - A. How many weeks per year is the haunted hayride in operation?
 - B. What are the hours of operation?
 - C. How many visitors have they ever had in an evening?
 - D. Is the parking area going to be covered with gravel or mulch?
 - E. Have any neighbors ever complained about this use?
 - F. Do other seasonal activities or sales take place on the farm?
 - G. Is any lighting being proposed?
2. The Board needs to consider if the request will have any unreasonable impacts on the adjoining property owners.

Conclusion

KRS 100.237 and Section 220 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,

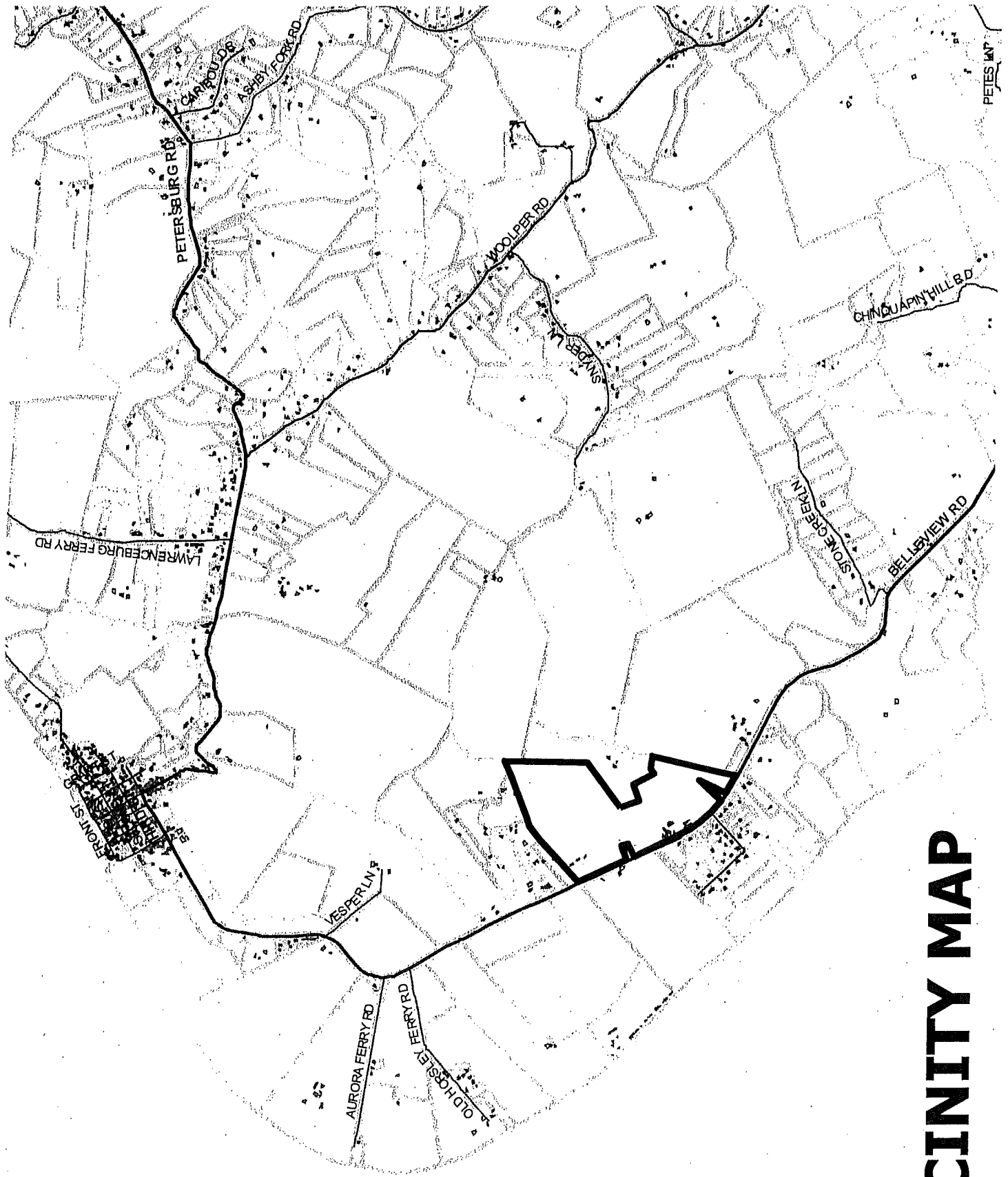


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

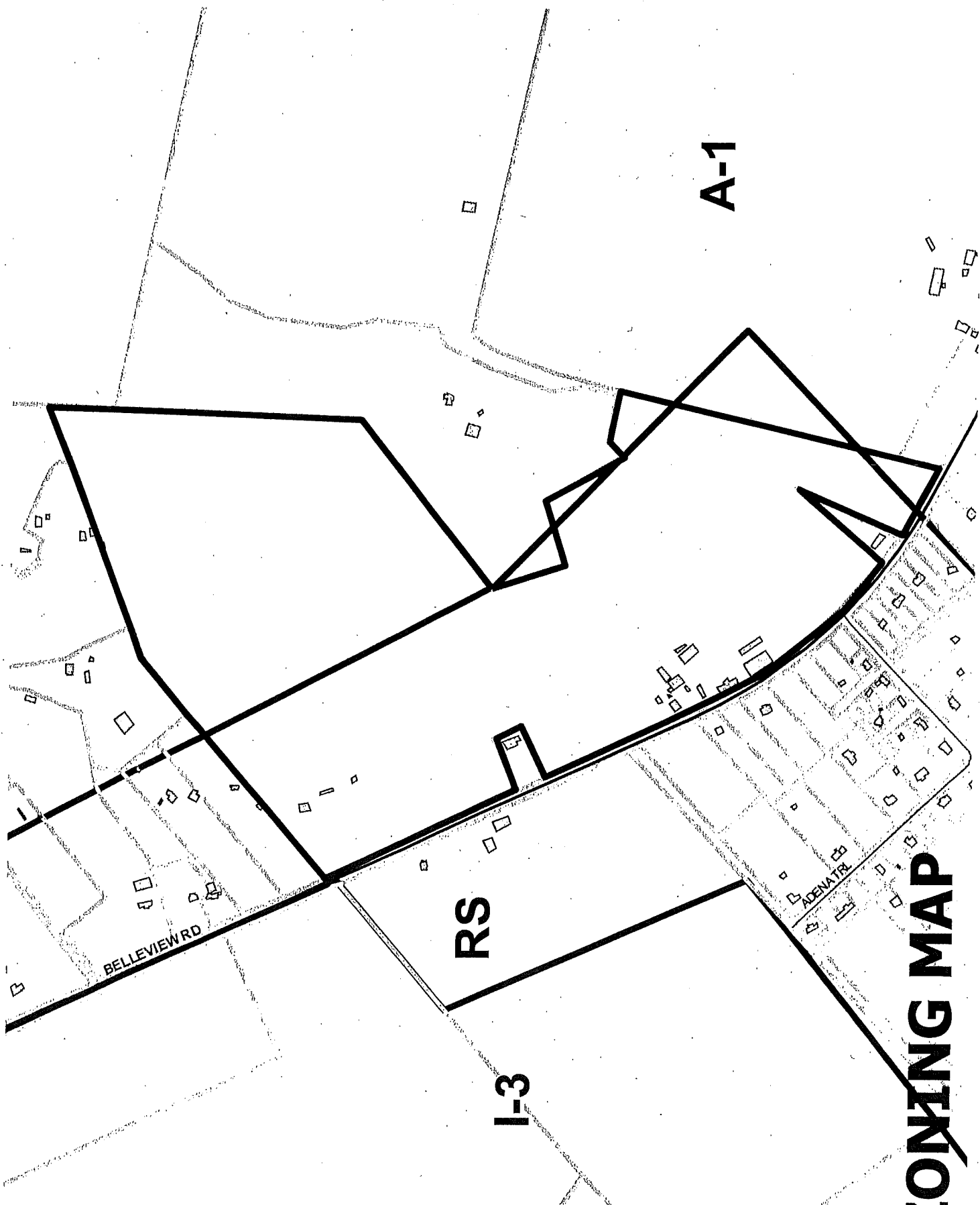
MAL/pr

Attachments

- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2004 Aerial Photography
- Concept Development Plan
- Application



VICINITY MAP



A-1

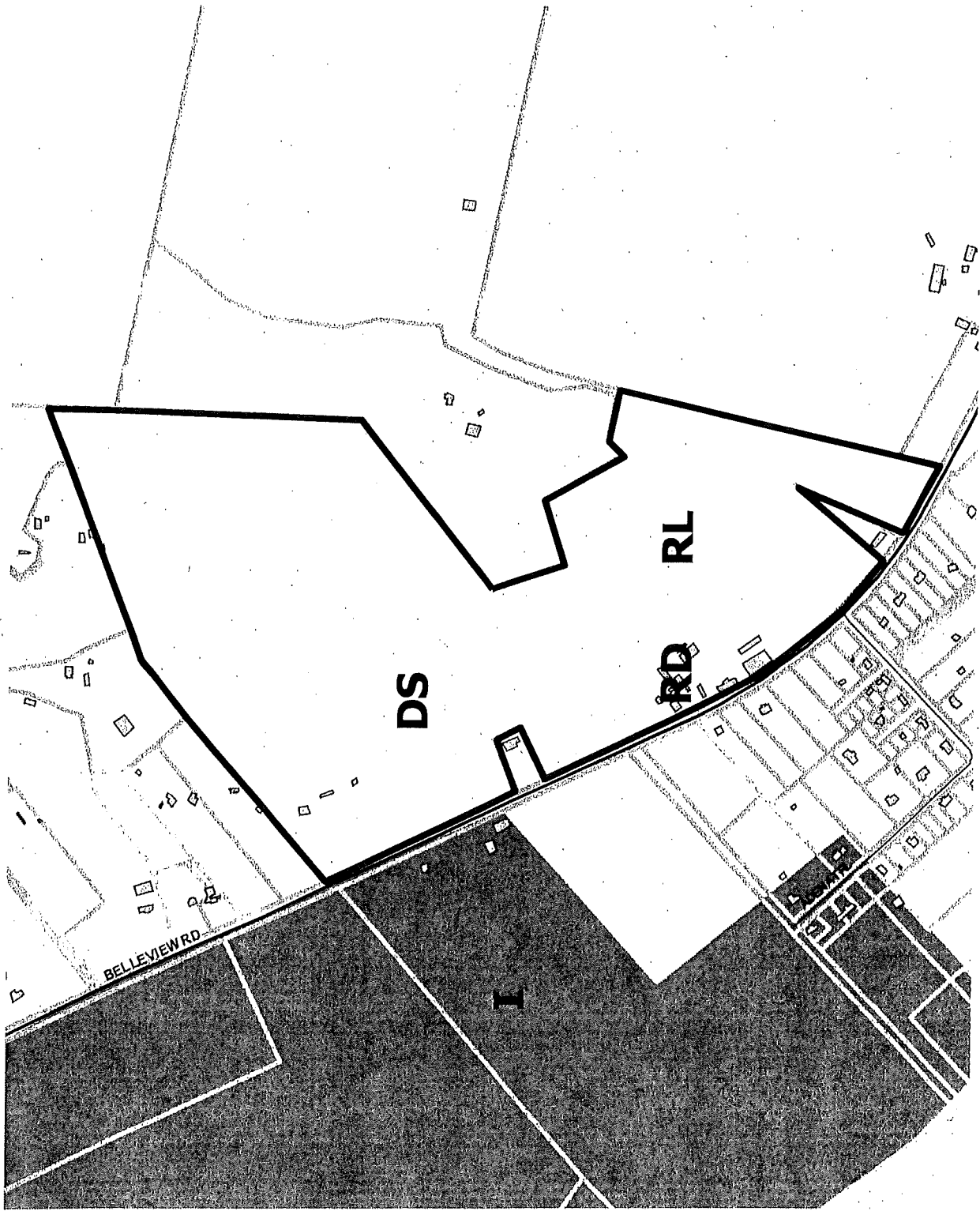
RS

I-3

BELLEVUE RD

ADENAT RD

ZONING MAP

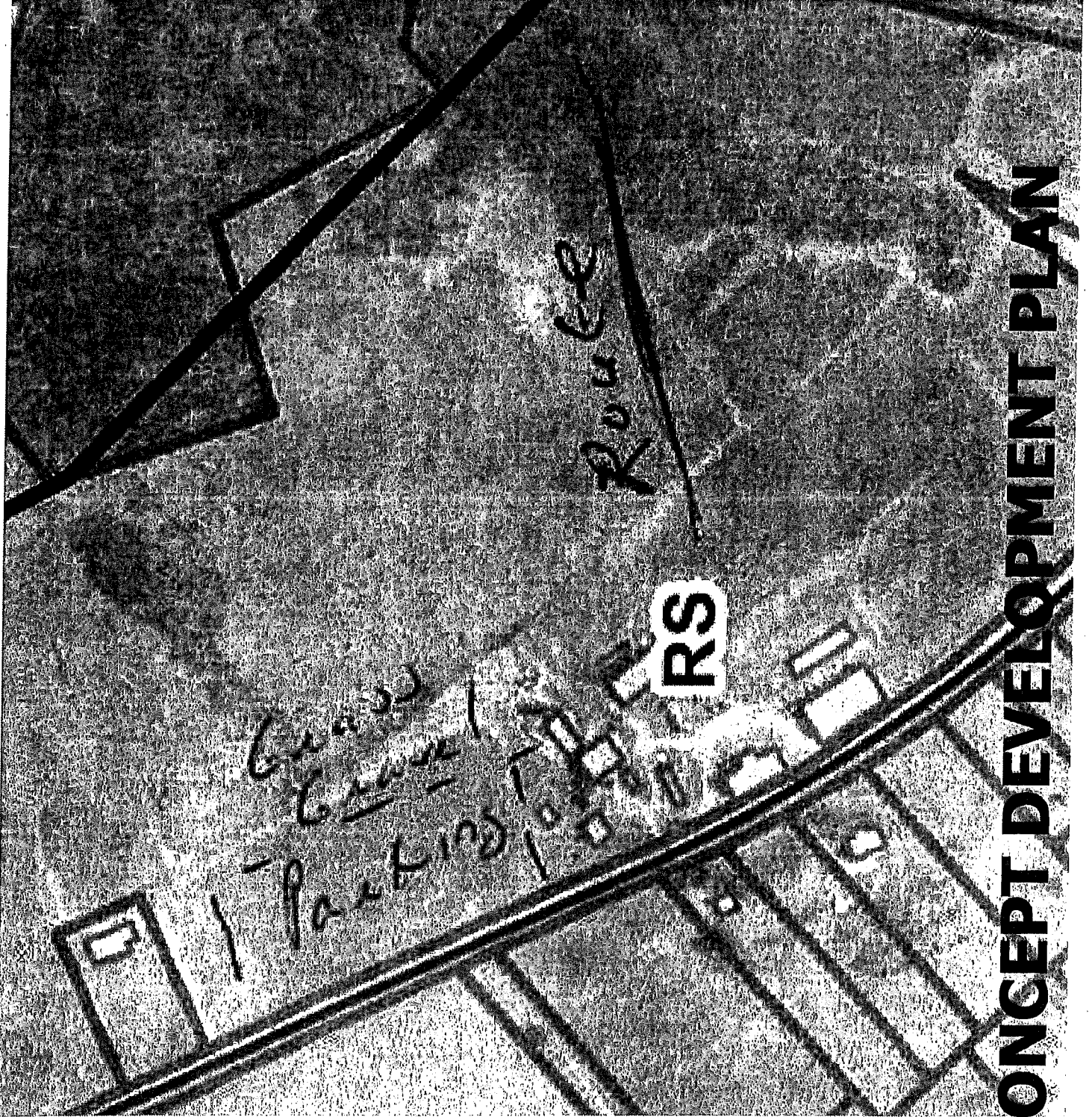


FUTURE LAND USE MAP



2004

**AERIAL
PHOTOGRAPHY**



CONCEPT DEVELOPMENT PLAN

RECEIVED

APPLICATION FORM

SEP 14 2007
OCT 15 2007

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

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

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- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
- 3. Applicant's Name Roy Stephenson
Phone Number 859-586-6343 Fax No. _____
Applicant's Address 4172 Bellevue Rd
Petersburg Ky 41080
City State Zip
- 4. Description of Request: Haunted Hayride +
Agricultural Sales
- 5. Name of Development _____
- 6. Location of Development 4172 Bellevue Rd
- 7. Acreage Under Review 136.99
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Roy Stephenson
Address of Property Owner 4172 Bellevue Rd Phone No. 859-586-6343
- 10. Petersburg Ky 41080
City State Zip
- 11. Proposed Use(s) on Site Haunted hayride ag sales
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property RS + A-1
- 14. Deed Book 851 Page No. 979 Group No. 2015
- 15. Is the site subject to a zone change? _____
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? _____
- 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: Roy Stephenson

Property Owner's Signature: Roy Stephenson

COPY

CLUR #07-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Roy Stephenson
4172 Belleview Road
Petersburg, KY 41080

2. ADDRESS OF PROPERTY
4172 Belleview Road
Petersburg, KY 41080
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 851 PAGE NO. 979 GROUP NO. 2015

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

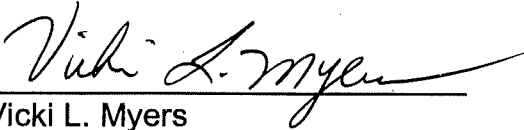
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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 15 day of October, 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 October 10, 2007 Certificate of Land Use Restriction (#07-BCBOA-013-A), for Roy Stephenson, Property Owner(s).

The following conditions will apply:

- 1) The haunted hayrides are limited to the Halloween season of September and October.

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

DEED BOOK 851 PAGE NO. 979 GROUP NO. 2015