

07-016
07-BCB04-016-A

APPLICATION FORM

R E C E I V E D
OCT 19 2007
BOONE COUNTY
PLANNING COMMISSION

**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 _____ Florence _____ Walton _____ Union _____
- 2. (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use
- 3. Applicant's Name George F. & Mary Ann Waincott Jr.
Phone Number 859-341-1827 Fax No. 859-331-3409
Applicant's Address 13 Princeton Ave.
H. Mitchell Ky 41017
City State Zip
- 4. Description of Request: To Allow Deck Additions / Modifications
to Existing Restaurant & Future Kitchen Addition.
- 5. Name of Development Tousey House Tavern, Inc.
- 6. Location of Development 5063 North Jefferson
Burlington, Ky 41005
- 7. Acreage Under Review .27
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property George F. & Mary Ann Waincott Jr.
Address of Property Owner 13 Princeton Ave Phone No. 859-341-1827
- 10. H. Mitchell Ky 41017
City State Zip
- 11. Proposed Use(s) on Site RESTAURANT
- 12. Total Square Footage of Existing and/or Proposed Buildings 3580 S.F.
- 13. Current Zoning on Property SR2/SC
- 14. Deed Book 720 Page No. 1219 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: George F. Waincott Jr. Mary Ann Waincott
Property Owner's Signature: George F. Waincott Jr. Mary Ann Waincott

**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 10-19-07 Fee Received \$ 1021.00 RA 54922
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11-14-07 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: STAFF COMMENTS
8A, 8B, 8C, 8D, AND 8E
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: George F. Wainscott, Jr. & Mary Ann Wainscott
LOCATION: 5963 N. Jefferson Street, Boone County, Kentucky
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)
DATE: November 14, 2007

PROPOSAL

The applicants are requesting a Conditional Use Permit to allow deck additions and a future kitchen addition to be constructed onto Tousey House Tavern. The subject property is located at 5963 N. Jefferson Street and is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC).

The submitted Conceptual Plan shows that the following improvements are proposed:

- A. A 650 square foot deck and handicapped ramp is shown on the northeastern corner of the building. The deck will be used as an outdoor seating area (maximum occupancy is shown at 43 people). The deck and handicapped ramp meet the 10' side yard setback requirement.
- B. A 363 square foot deck is shown on the southwestern corner of the building. The applicants have informed Staff that the deck will be used as a waiting area. This deck will have a pergola roof and ceiling fans. Maximum occupancy is shown at 24 people. A small portion of the deck is shown in the Nicholson Avenue right-of-way.
- C. A service ramp is shown on the rear facade of the building. The ramp will connect to the kitchen. A small portion of the deck and ramp are shown in the Nicholson Avenue right-of-way.
- D. A new shed roof and copper flashing is shown over the kitchen doorway on the rear facade.
- E. A future kitchen/basement addition is shown on the rear facade of the building. The addition is 1,046.68 square feet in area (26'-2" x 20' x 2) and will not extend beyond the existing side building lines.

SITE HISTORY

8/12/87 - The Boone County Board of Adjustment approves a Conditional Use Permit allowing a single-family residence to be converted into an office and apartment.

8/12/98 - The Boone County Board of Adjustment approves a Conditional Use Permit which allows the building to be converted into a restaurant. A condition was imposed on the approval which prohibited inappropriate additions on the property that would affect the historic and architectural characteristics of the building.

APPLICABLE REGULATIONS

Section 271 of the Boone County Zoning Regulations states that "when an addition is proposed for a pre-existing structure that does not meet the setback requirements, the addition may be located along the non-conforming building line established by the existing structure, but not may encroach into such non-conforming setback unless a Variance is granted by the Board of Adjustment and Zoning Appeals."

Section 2012 of the Boone County Zoning Regulations permits "eating and drinking places including alcoholic beverages" as a conditional use in the Small Community Overlay District (SC) in the following cases:

1. When the operation is locating in a building which is larger than 2,500 square feet;
2. When major exterior alterations or additions are proposed which increase the size of use or structure;
3. When the operation requires more than ten (10) parking spaces, or
4. The proposal requires the construction of a new building on a vacant lot.

Section 2015 of the Boone County Zoning Regulations states the setback standards in the Small Community Overlay zone are as follows:

Front Yard: 20 Feet Maximum

Side Yard: 10 Feet Minimum

Rear Yard: 20 Feet Minimum

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.

The Board needs to evaluate the request as it relates to the criteria necessary for granting Conditional Uses as stated in Sections 262 & 2012 of the Boone County Zoning Regulations.

Findings listed in Section 262 (General Standards Applicable to 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.

Section 2012 of the Boone County Zoning Regulations allows "eating and drinking places including alcoholic beverages" as conditional uses in the SC district provided that:

- a. the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b. the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district;
- c. historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The following Future Land Use Development Guidelines from the 2005 Boone County Comprehensive Plan relate to the application:

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact... (Buffering, pg. 141).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways... (Landscaping, pg. 141).
- C. Developments in Boone County must recognize the potential impacts of stormwater run off. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops (Stormwater Management and Erosion Control, pg. 141).
- D. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County (Design, Signs and Historic Preservation, pg 142).

The following passage from the Land Use Element (Burlington Area, pp. 150-152) relates to the request:

- A. "Burlington proper will continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338. Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive re-use to retain the character of central Burlington. As Boone County grows, there will be a greater need for public facilities and services. The 2002 Burlington Town Strategic Plan addresses the unique transportation, parking, public facilities, historic preservation, and subdivision characteristics of the area. The new Boone County Justice Center and the Boone County Public Safety Center Complex have reinforced Burlington as the hub of local government activity. Some private investment, mainly in restaurant and shop uses, as well as the TEA-21 Transportation Enhancement Grant for sidewalks indicate momentum for investment in the town center. Appropriate architecture and placement of new or renovated buildings is critical to respect the established character of the town."

The following passage from the Historic Preservation Element relates to the request:

- A. The Burlington Historic District presents a crucial preservation challenge. Efforts must be made to insure that a mixture of governmental, commercial, and residential activity continues to function in Burlington. Burlington has the rare opportunity to capitalize on its unique architectural landscape, small town charm and rural atmosphere. Poorly designed new construction, already apparent in several Burlington locations, will destroy this valuable character. The town's historic buildings should be rehabilitated and adaptively reused to meet the realities of a rapidly changing county, and the challenges of the 21st century. A positive step in this direction was the development in 2002 - 2003 of the Burlington Town Strategic Plan. The plan's mission statement is "to energize the central town of Burlington into a healthy business and residential center of Boone County by using the public services, special events activity, and historical character of the town as a foundation." The plan includes recommendations designed to enhance the infrastructure, streetscape, architectural design, marketing and tourism potential of Burlington. Several recommendations, including the above mentioned update of the National Register District nomination have already been implemented.

The following Goals & Objectives from the 2005 Boone County Comprehensive Plan apply to the application:

- A. Significant historic buildings, structures and sites, archeological sites and natural features in Boone County are preserved (Preservation, Goal).
- B. Plans for new or redeveloped commercial, industrial, institutional and residential sites shall be reviewed, and reasonable measures taken, to ensure identification and protection of significant historical, archeological, and architectural sites, including cemeteries (Preservation, Objective).

- C. Boone County businesses are developed in appropriate locations and are compatible with their surrounding area (Business Activity, Goal).

SURROUNDING LAND USES & ZONING

North: Single-Family Dwelling (SR-2/SC)

South: Nicholson Avenue and a Book and Collectibles Store (SR-2/SC)

East: Jefferson Street, Antique Stores, Attorney and Accounting Office (SR-2/SC)

West: Single-Family Dwelling (SR-2/SC)

SITE CHARACTERISTICS

The subject property is approximately 0.27 acres in area and is located on the northwest corner of the Jefferson Street/intersection. The building is three stories tall and includes a basement (approximate floor area is 7,200 square feet). The original building is constructed primarily with brick and the rear addition is constructed of wood siding. A small parking area and a dumpster is located in the Nicholson Avenue right-of-way.

STAFF COMMENTS

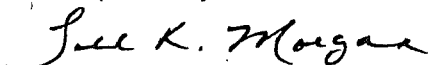
1. The proposed improvement plan shows that there could be up to 106 seats inside the building and 67 seats on the two decks.
2. The Applicants have provided a letter from the County Administrator indicating that they have permission to use the Boone County Administration Building lot for customer parking (see attachments).
3. Staff has contacted the County Engineer regarding the project because there are portions of the deck and service ramp which encroach into the Nicholson Avenue right-of-way. The County Engineer was not concerned because the existing building already encroaches into the right-of-way. He indicated that the Applicants would need to file for an Encroachment Permit from Boone County Public Works.
4. The Historic Preservation Review Board has provided a Memo indicating that they are in support of the project. However, they would like an opportunity to review the future kitchen addition before it is constructed. The Review Board's review would ensure that any changes to the historic property conform with the Secretary of the Interior Standards for Rehabilitation (see attachments).
5. Staff would like the applicant to address the following questions:

- A. What are the days and proposed hours of operation?
 - B. What are the proposed materials of the kitchen addition?
 - C. How will the deck areas be illuminated?
 - D. Is any entertainment planned on the front deck?
6. The Board needs to determine if the proposal will have any adverse impacts on adjoining properties. One of the findings for granting the Conditional Use Permit is that the use will not have activities, processes, materials, equipment or 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. A Minor Site Plan application will need to be submitted and approved before the deck additions are constructed. A Major Site Plan needs to be submitted and approved before the kitchen addition is constructed.
 8. Staff recommends the following conditions if the request is approved:
 - A. The kitchen addition shall be reviewed and approved by the Boone County Historic Preservation Review Board in terms of the Secretary of the Interior Standards for Rehabilitation.
 - B. All umbrellas set up on the decks shall not have any text or advertisements.
 - C. The development shall not have any neon window signage
 - D. The dumpster in the Nicholson Avenue right-of-way shall be enclosed per Section 3151 of the Boone County Zoning Regulations (The condition is subject to approval of an encroachment permit from Boone County Public Works).
 - E. The northern and western property lines shall be screened with a solid evergreen hedge. The species selected shall grow to at least 6 feet in height.

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,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Aerial Map
- *Site Survey
- *Existing Conditions
- *Proposed Improvements
- *Elevations
- *Future Land Use Map
- *Zoning Map
- *Letter from the County Administrator
- *Letter from the Boone County Historic Preservation Review Board
- *Application

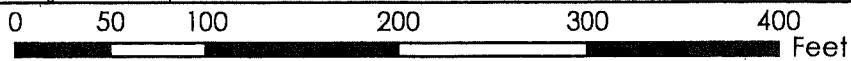
AERIAL MAP

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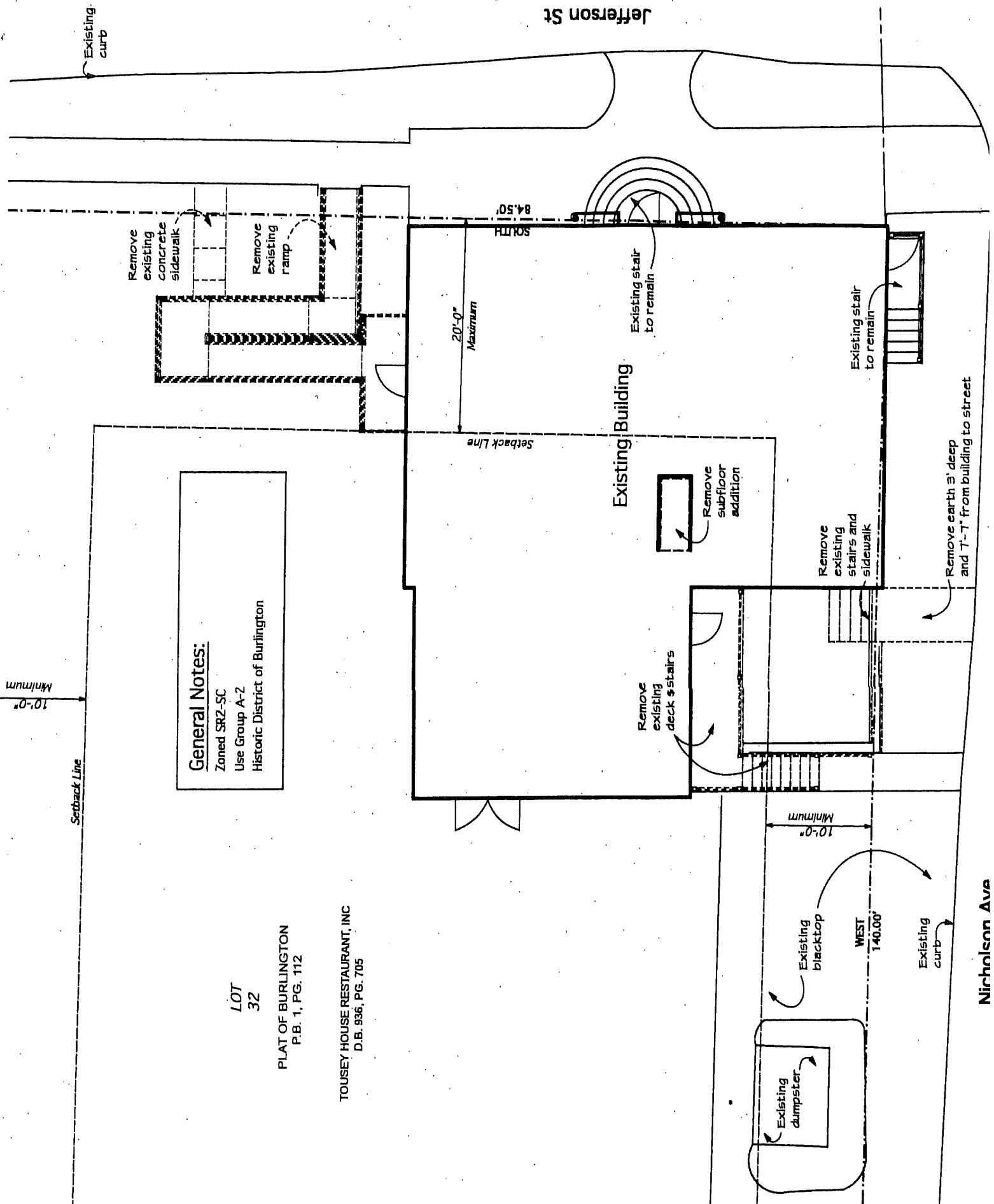


1 Inch equals 100 feet



Boone County GIS - Putting Northern Kentucky on the Map





Jefferson St

Existing curb

Remove existing concrete sidewalk

Remove existing ramp

20'-0" Maximum

84.50

Existing Building

Existing stair to remain

Existing stair to remain

General Notes:
 Zoned SR2-SC
 Use Group A-2
 Historic District of Burlington

Remove subfloor addition

Remove existing stairs and sidewalk

Remove earth 3' deep and T-T" from building to street

Remove existing deck stairs

10'-0" Minimum

Setback Line

10'-0" Minimum

Existing blacktop

WEST 140.00'

Existing curb

Existing dumpster

Nicholson Ave

LOT 32

PLAT OF BURLINGTON P.B. 1, PG. 112

TOUSEY HOUSE RESTAURANT, INC D.B. 936, PG. 705

EAST
140.00'

LOT
32

PLAT OF BURLINGTON
P.B. 1 PG 112

TOUSEY HOUSE RESTAURANT, INC
DB 936, PG 705

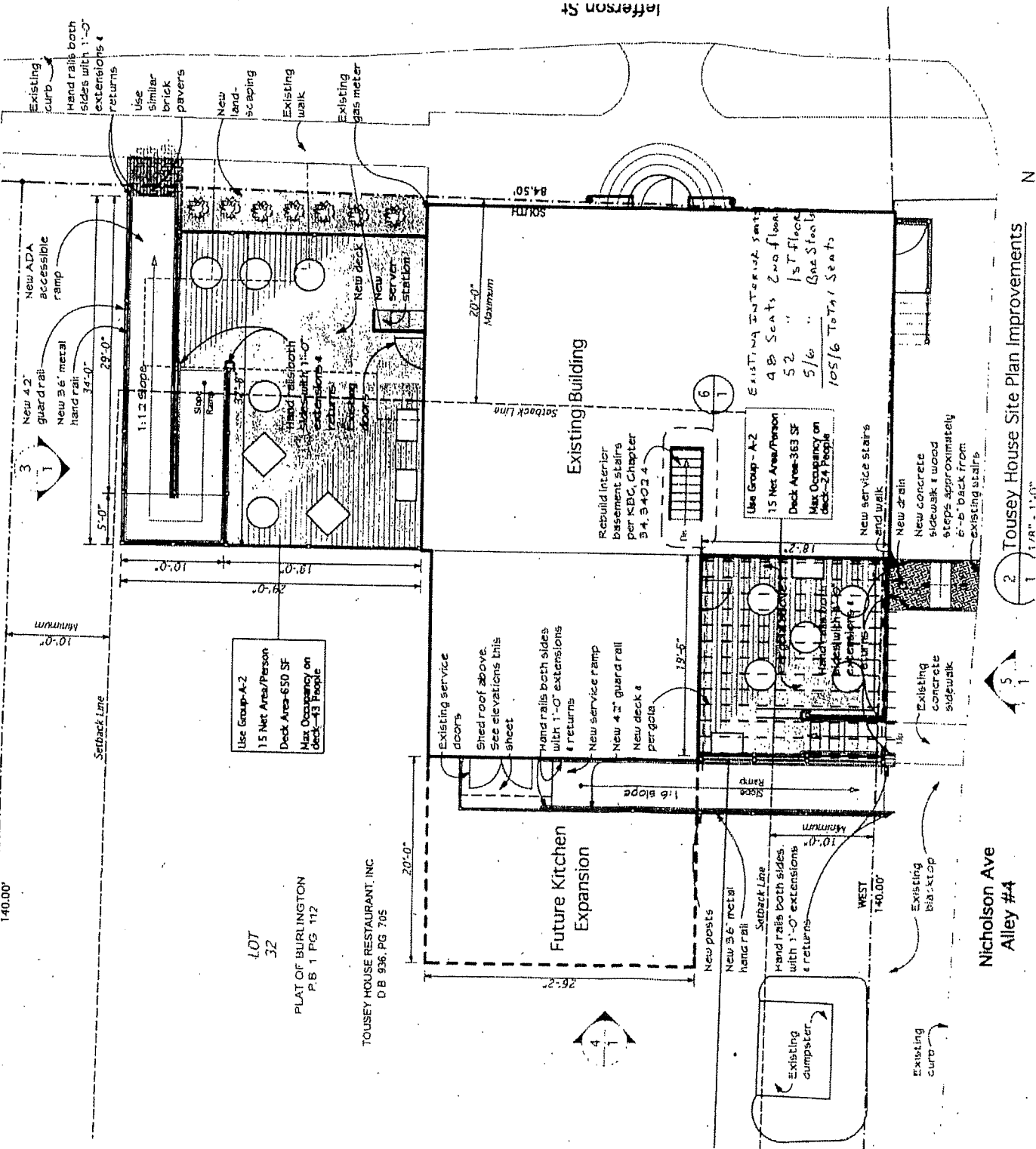
Future Kitchen
Expansion



Existing Building

Nicholson Ave
Alley #4

2 Tousey House Site Plan Improvements
1 1/4" = 1'-0"



Use Group-A-2
15 Net Area/Person
Deck Area-650 SF
Max Occupancy on
deck-13 People

Use Group-A-2
15 Net Area/Person
Deck Area-363 SF
Max Occupancy on
deck-21 People

EXISTING INTERIOR SEAT:
4 B Seats 2nd floor
52 " 1st floor
5/6 " Bar Seats
105/6 Total Seats

Rebuild interior
basement stairs
per KBC, Chapter
34.3402.4

New service stairs
New concrete
sidewalk + wood
steps approximately
6'-6" back from
existing stairs

Existing
concrete
sidewalk

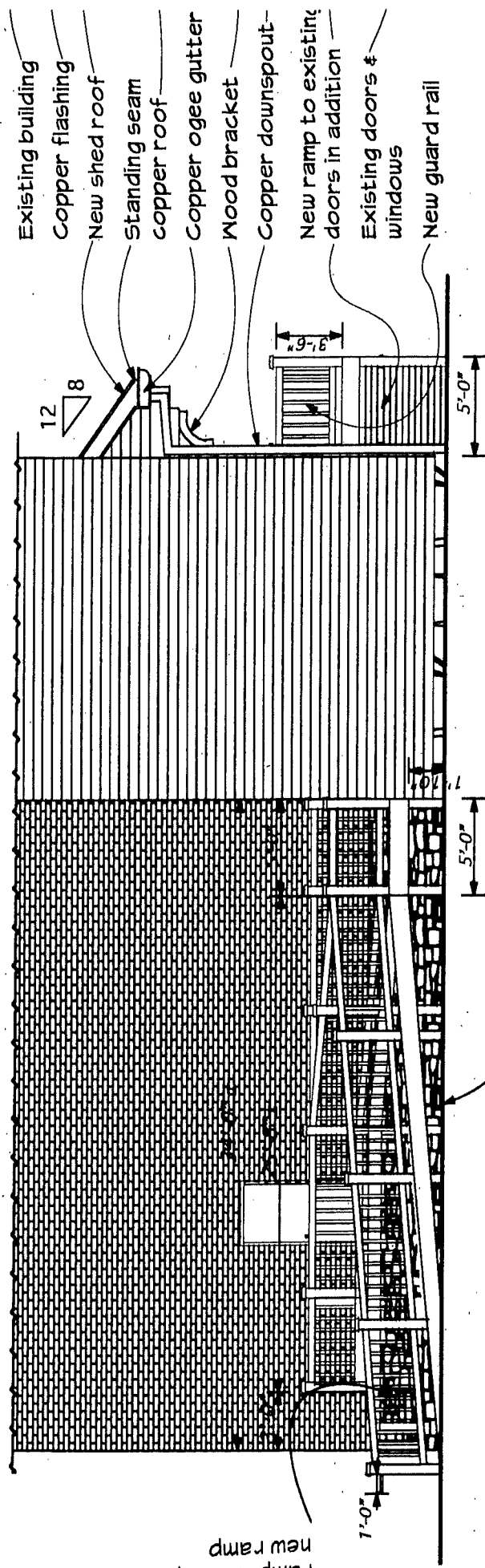
Existing
blacktop

Existing
dumpster

Existing
curb

Jefferson St

N

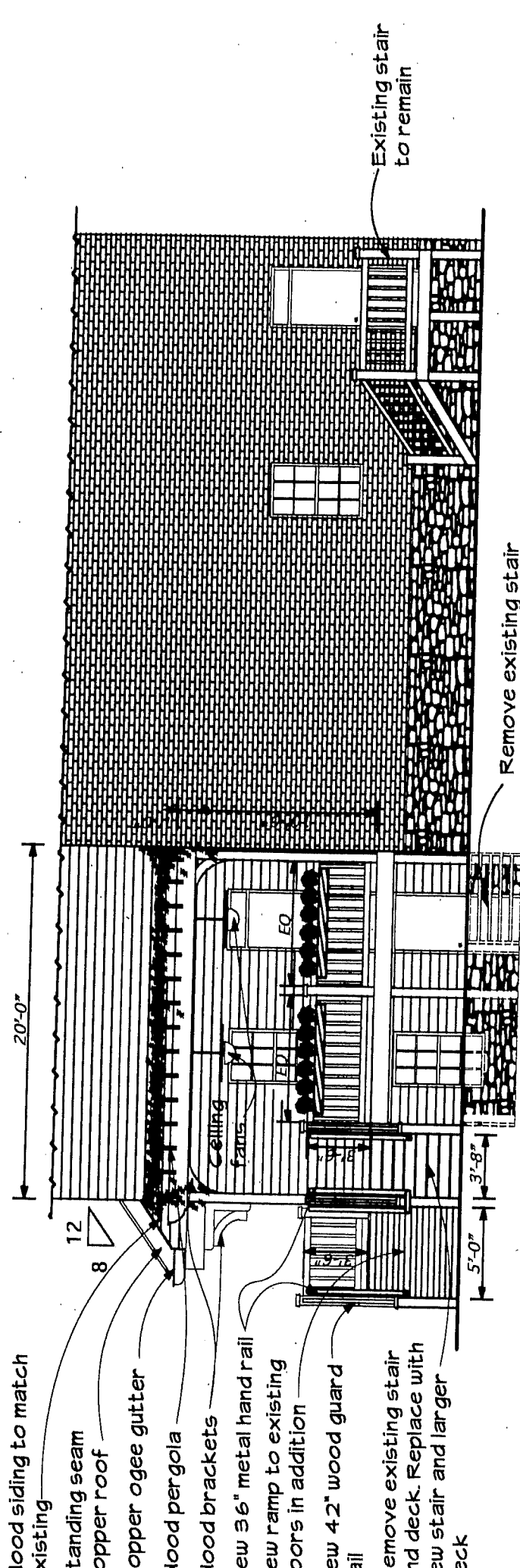


- Existing building
- Copper flashing
- New shed roof
- Standing seam copper roof
- Copper ogee gutter
- Wood bracket
- Copper downspout
- New ramp to existing doors in addition
- Existing doors & windows
- New guard rail

Remove existing ramp and replace with new ramp

Remove existing concrete sidewalk

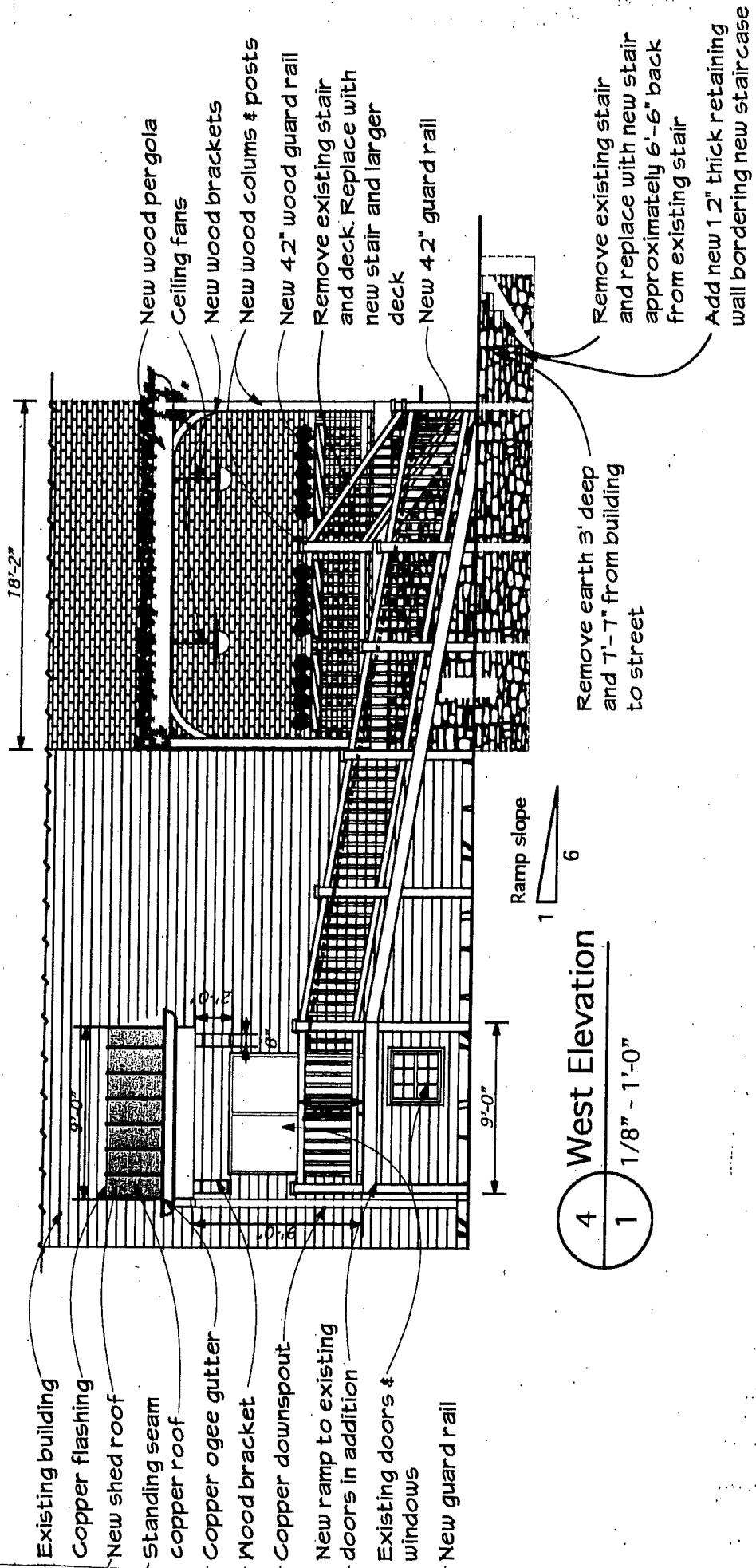
3 North Elevation
1 1/8" - 1'-0"



Existing stair to remain

Remove existing stair and replace with new stair approximately 6'-6" back from existing stair

5 South Elevation
 1 1/8" - 1'-0"



- Existing building
- Copper flashing
- New shed roof
- Standing seam copper roof
- Copper ogee gutter
- Wood bracket
- Copper downspout
- New ramp to existing doors in addition
- Existing doors & windows
- New guard rail

- New wood pergola Ceiling fans
- New wood brackets
- New wood columns & posts
- New 4x2" wood guard rail
- Remove existing stair and deck. Replace with new stair and larger deck
- New 4x2" guard rail

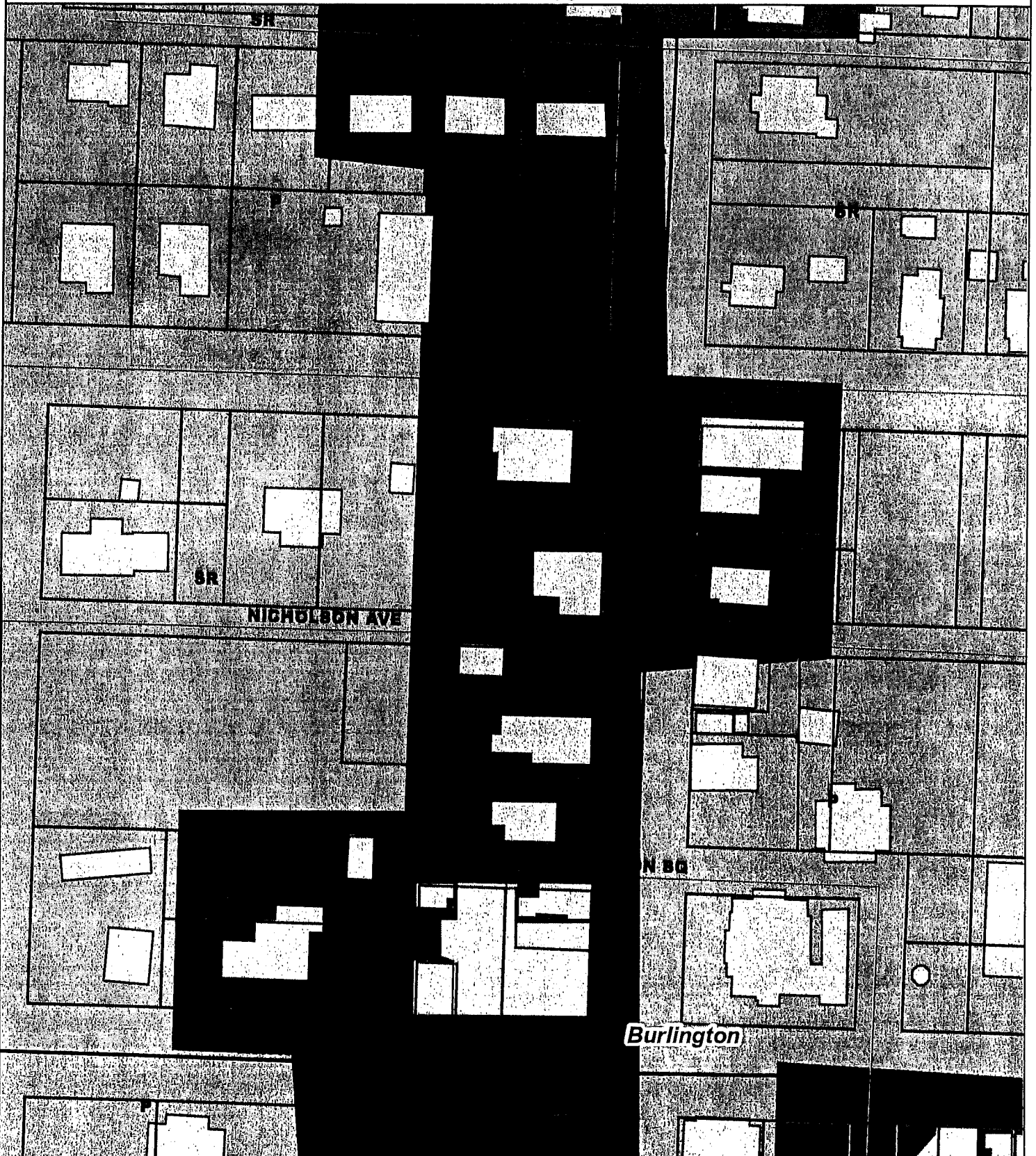
4
1
1/8" - 1'-0"

Remove earth 3' deep and 7'-7" from building to street

Remove existing stair and replace with new stair approximately 6'-6" back from existing stair
Add new 1 1/2" thick retaining wall bordering new stair case

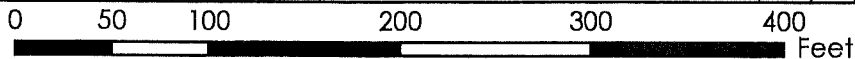
FUTURE LAND USE MAP

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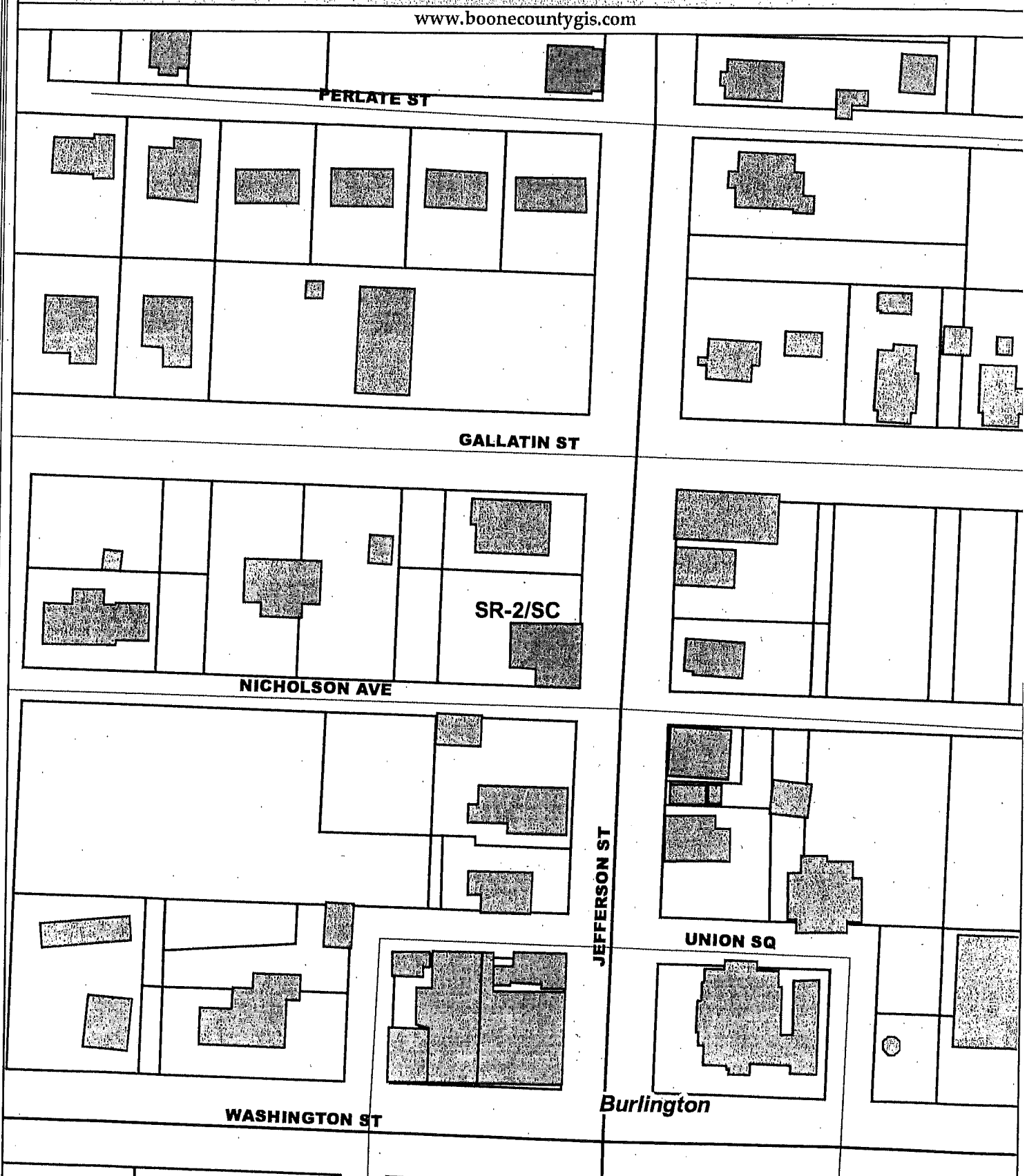


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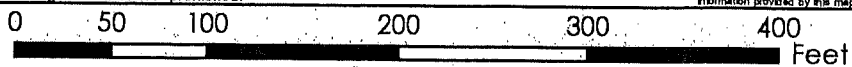
ZONING MAP

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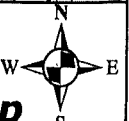
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1 Inch equals 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



GARY W. MOORE
County Judge/Executive
(859) 334-2242

JEFFREY S. EARLYWINE
County Administrator
(859) 334-2242



ROBIN D. CURRY
Asst. County Administrator
(859) 334-2245

M. TIMOTHY WILLIAMS
Asst. County Administrator
(859) 334-3509

OFFICES OF THE COUNTY JUDGE/EXECUTIVE

www.BooneCountyKy.org

P.O. Box 900
Burlington, KY 41005
FAX (859) 334-3105

October 16, 2007

Mr. Butch Wainscott
Greyhound Grill
2500 Dixie Highway
Fort Mitchell, Kentucky 41017

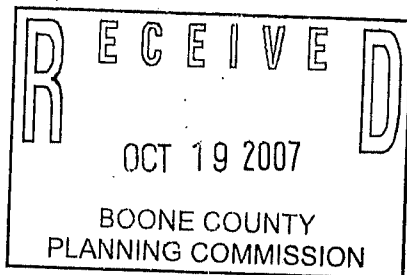
Re: Use of County Administration Building parking facility

Dear Mr. Wainscott:

Please be advised that I am in receipt of your October 12, 2007 correspondence inquiring into the available use of the county administration building parking lot for your proposed restaurant in Burlington. Your statement is correct in that the county had previously authorized use of this parking lot for an adjacent restaurant use.

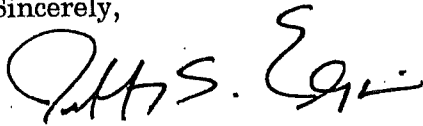
Based upon our current employee/visitor parking demand, the available number of parking spaces, and your plans for dinner operations, excess parking is normally available and can be utilized by your business patrons. I cannot predict future circumstances that may come to light in the event that you desire to expand operations during lunchtime periods when our parking demand is greatest. The county will certainly work with you, and other area businesses, to the extent possible to assist with area parking needs. We are excited about your plans to bring your successful restaurant experience to Burlington and believe that your business will prosper in this location.

In summary, this letter authorizes use of the county parking facility behind the Administration Building within the parameters as noted herein. Good luck and feel free to contact me with any further questions or comments you may have.



October 16, 2007

Sincerely,

A handwritten signature in black ink, appearing to read "J.S. Earlywine". The signature is stylized and written in a cursive-like font.

Jeffrey S. Earlywine
County Administrator

Cc: Kevin Costello, Boone County Planning Commission
Robin Curry, Assistant County Administrator
Judge Executive Gary Moore and Fiscal Court Commissioners

BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD

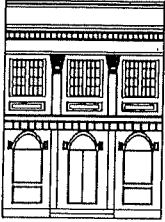
2995 Washington Street, Burlington, KY 41005

859-334-2111

FAX 859-334-2264

E-Mail:

mbecher@boonecountyky.org



MEMORANDUM

TO: Boone County Board of Adjustment Members
Todd Morgan, AICP, Senior Planner

FROM: Matthew E. Becher, AICP, Rural/Open Space Planner *MEB*

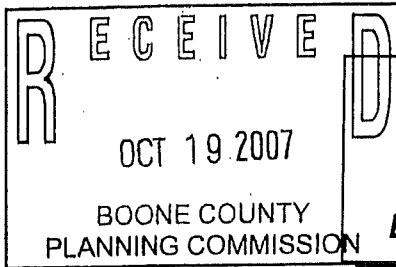
DATE: November 7, 2007

RE: Tousey House Restaurant, Burlington

I have reviewed the Wainscotts' planned Additions & Alterations for the Tousey House, which he proposes to reopen as a restaurant. I also discussed those plans with the Boone County Historic Preservation Review Board at their meeting of October 11, 2007. The Review Board fully supports the Wainscotts' proposal to reopen a restaurant in the historic Tousey House, one of the most significant historic properties in Burlington. The Wainscotts have a demonstrated track record of positive historic preservation projects in Boone County, winning Preservation Awards for the Richard Parker House (1998) and Jonathan Carlton House (2007). The Review Board expects that the Tousey House project will be a successful preservation model so long as the Wainscotts are involved.

If the Future Kitchen Expansion shown on the plans are executed at some point in future, the Review Board requests to be involved in the design review of that addition. The Review Board would like to ensure that any changes made to this historic property conform with the Secretary of the Interior Standards for Rehabilitation.

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
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4. Description of Request: To Allow Deck Additions / Modification to existing restaurant & Future Kitchen Addition.
5. Name of Development Tousey House TAVERN, INC.
6. Location of Development 5963 North Jefferson Burlington, Ky 41005
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property George F. & MARY ANN WAINSCOTT JR. Address of Property Owner 13 Princeton Ave Phone No. 859-341-1827 Ft. Mitchell, Ky 41017
11. Proposed Use(s) on Site RESTAURANT
12. Total Square Footage of Existing and/or Proposed Buildings 3580 S.F.
13. Current Zoning on Property SR2/SC
14. Deed Book 720 Page No. 1219 Group No. 2024
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: [Handwritten Signature]
Property Owner's Signature: [Handwritten Signature]

COPY

CLUR #07-BCBOA-016-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
George F. & Mary Ann Wainscott
13 Princeton Avenue
Ft. Mitchell, KY 41017
2. ADDRESS OF PROPERTY
5963 N. Jefferson Street
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Tousey House Tavern
4. DEED BOOK 720 PAGE NO. 219 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

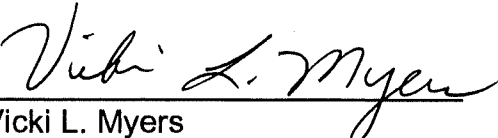
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

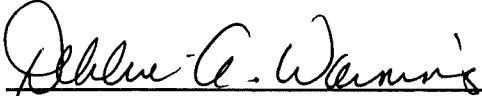
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 21 day of November, 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 November 14, 2007 Certificate of Land Use Restriction (#07-BCBOA-016-A), for George F. & Mary Ann Wainscott, Property Owner(s).

The following conditions will apply:

- 1) The kitchen addition shall be reviewed and approved by the Boone County Historic Preservation Review Board in terms of the Secretary of the Interior Standards for Rehabilitation.
- 2) All umbrellas set up on the decks shall not have any text or advertisements.
- 3) The development shall not have any neon window signage.
- 4) The dumpster in the Nicholson Avenue right-of-way shall be enclosed per Section 3151 of the Boone County Zoning Regulations. (This condition is subject to approval of an encroachment permit from Boone County Public Works).
- 5) The northern and western property lines shall be screened with a solid evergreen hedge. The species selected shall grow to at least 6 feet in height.

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

DEED BOOK 720

PAGE NO. 219

GROUP NO. 2024