

APPLICATION FORM

07-017

07-BCBOA-017-A

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 [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name ANTHONY & CARRIE LEONE Phone Number (714) 638-8914 Fax No. (714) 663-6250 Applicant's Address 12081 DIANE ST. PERM. ADDRESS GARDEN GROVE, CA. 92840 City State Zip
4. Description of Request: change use of 5009 PETERSBURG RD, PETERSBURG, KY, to BED & BREAKFAST IN EARLY 2009 UPON OUR RETIREMENT.
5. Name of Development \_\_\_\_\_
6. Location of Development 5009 Petersburg Road
7. Acreage Under Review 2.017
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property ANTHONY & CARRIE LEONE Address of Property Owner 5009 PETERSBURG RD. Phone No. (714) 638-8914
10. (2nd HOME) PETERSBURG, KY 41080 City State Zip
11. Proposed Use(s) on Site BED & BREAKFAST EST. IN JAN. 2009 upon retirement. (4 sleeping rooms)
12. Total Square Footage of Existing and/or Proposed Buildings 3304 sq. ft.
13. Current Zoning on Property A-2 AGRICULTURAL with HISTORICAL OVERLAY
14. Deed Book 902 Page No. 1 Group No. 2012
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request? IN PROGRESS
17. Have you submitted a list of adjoining property owners with this request? IN PROGRESS
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: Anthony M Leone & Carrie E. Leone

Property Owner's Signature: Anthony M Leone & Carrie E. Leone

**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 10-22-07 Fee Received \$ 571.00 PA# 54948
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: 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: Anthony Leone and Carrie Leone  
LOCATION: 5009 Petersburg Road, Boone County, Kentucky  
ZONING: Agricultural Estate and Historic Landmark/Historic District Overlay (A-2/H)  
DATE: November 14, 2007

### Proposal

The applicants are requesting a Conditional Use Permit so they can convert a single-family residence into a bed and breakfast with 4 guest rooms. The 2.017 acre site is located 5009 Petersburg Road and is zoned Agricultural Estate and Historic Landmark/Historic District Overlay (A-2/H).

### Site History

1988 - The subject property is rezoned from Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark/Historic District Overlay (A-2/H). The request allows the property owner to convert an octagonal barn into his insurance office. The octagonal barn was historically significant because it was constructed in the 1870's and was one of two such barns remaining in the county. The barn later fell down and was removed from the property.

### Applicable Regulations

Article 6, Section 623 of the Boone County Zoning Regulations permits "Bed and Breakfast inns" as a conditional use within the Agricultural Estate (A-2) zoning district.

The Board needs to evaluate the applicant's request as it relates to the criteria necessary for a granting Conditional Use Permit as stated in Sections 262 and 623 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Use Permits):

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 623 of the Boone County Zoning Regulations allows Bed and Breakfast Inns as a conditional use in the A-2 district provided that:

- A. The activity is an integral part of the agricultural or residential 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 residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district;
- 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.

Article 33, Section 3314 of the Boone County Zoning Regulations states that all driveways, aisles, and vehicle circulation areas shall be improved with asphalt concrete or portland cement. Driveways serving one single-family residence on a lot of one acre or more shall be exempt from this requirement.

Article 33, Section 3323 of the Boone County Zoning Regulations states that the minimum width of a two-way driveway shall be 20 feet.

Article 33, Section 3325 of the Boone County Zoning Regulations states that 2 off street parking spaces are required for a single family residence. Hotels and motels (Bed and Breakfast Inns) must provide 1 space per sleeping room.

Article 40, Section 4000 of the Boone County Zoning Regulations defines a Bed and Breakfast Inn as an "an operator occupied dwelling unit where short term lodging rooms and meals are provided for compensation on a small scale."

#### Relationship to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site for Rural Lands and Rural Density Residential 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."

The following Goals and Objective relate to the request:

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

#### Site Characteristics

The 2.017 acre site fronts on Petersburg Road and contains a single-family residence, which is approximately 3,300 square feet in area. An in-ground swimming pool, gazebo, garage, and other accessory structures are located in the rear yard. The driveway is partially gravel and partially blacktop and ranges between 9 and 16.5 feet in width.

#### Staff Comments

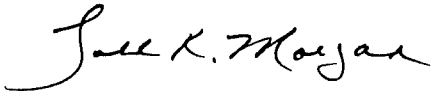
1. The Applicants are planning to open the Bed and Breakfast Inn sometime in 2009. They currently do not reside in the area (see attachments).
2. They Applicants have been renting rooms out to tourists over the Internet. The Planning Commission has made the Applicants aware that this activity cannot continue. The zoning regulations define a Bed and Breakfast Inn is "an owner occupied dwelling unit.
3. Staff's only concern with the request is the adequacy of the driveway and parking area. Bed and Breakfast Inns are required to provide one space per guest room and two spaces for the owners. Driveways are required to be 20' wide to accommodate two-way traffic and be constructed with a hard surface (asphalt or concrete). The existing driveway is approximately 9' wide at its narrowest point.

4. If the Board grants approval of the request, a Minor Site Plan application will need to be submitted to the Boone County Planning Commission. This plan will need to address driveway width, parking layout, handicapped accessibility, and septic approval.

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 Applicant's request for a Conditional Use Permit.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

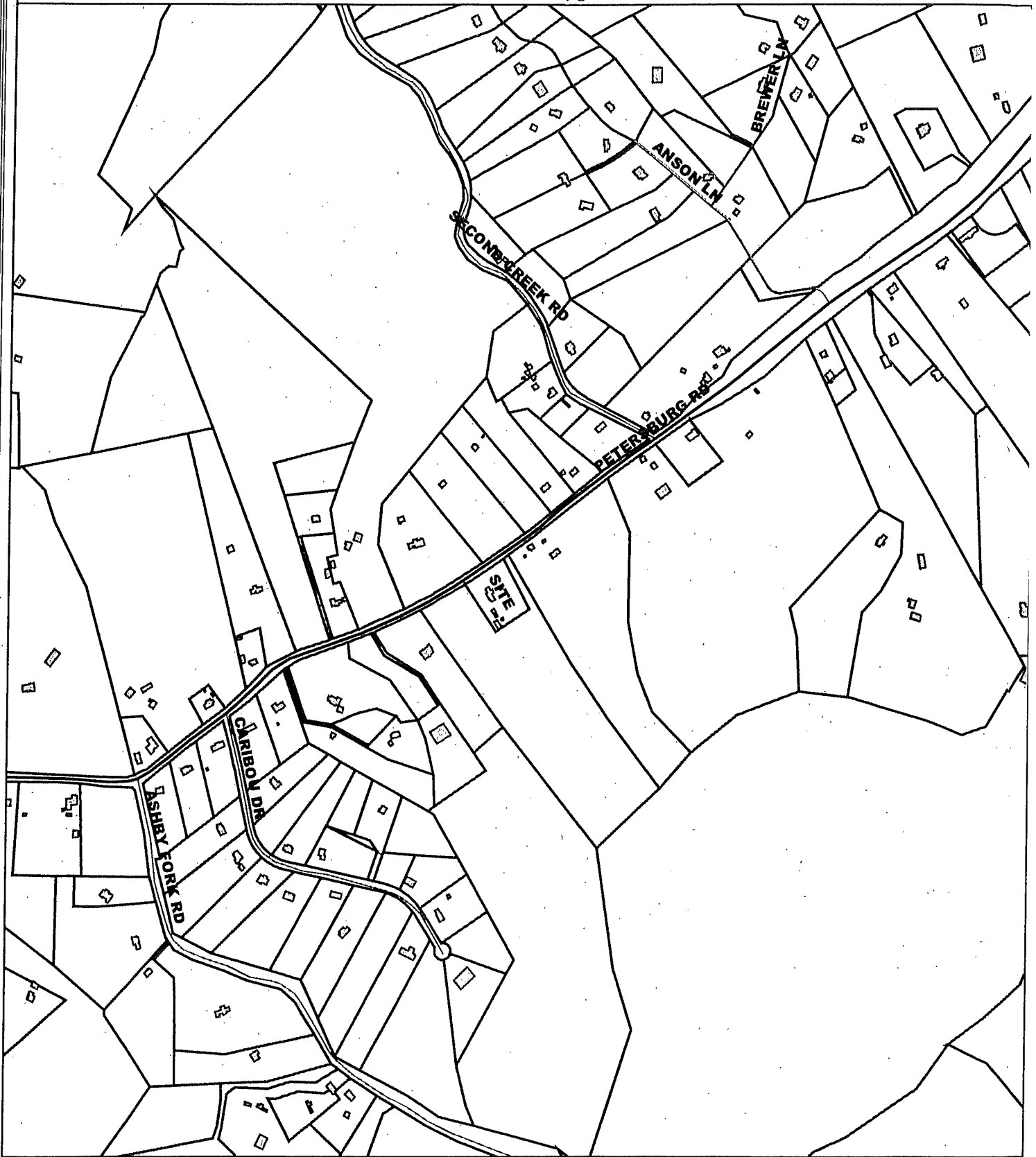
TKM/pr

Attachments

- \*Site Vicinity Map
- \*Letter from the Applicants
- \*Aerial Map (Close-Up)
- \*Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Application

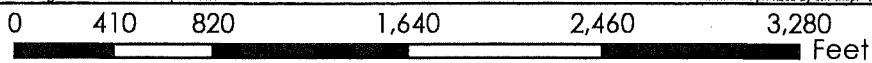
# SITE VICINITY MAP

www.boonecountygis.com



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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.



1 inch equals 800 feet



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

Map Created at 14:51:03 on 11/01/2007

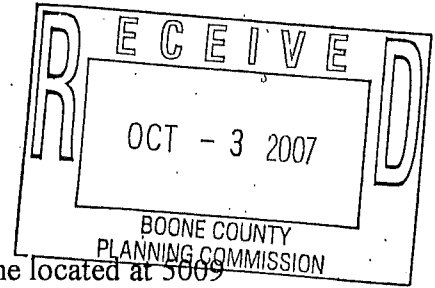


Map Document: Unfiled

September 29, 2007

To Whom It May Concern:

Enclosed is the application for a conditional use permit for our home located at 5009 Petersburg Road in Petersburg, Kentucky.



We wanted to give you a little more detail for our plans than the form allowed room for.

This is our second home. We live permanently in Garden Grove, California. Our plans are to use this home as a Bed and Breakfast after we retire. If all goes as planned, that will be in January of 2009. We use the home as our vacation home when we come to visit our children that live in the area. During the other days of the year that we are not able to use the home, we use it as a rental and report it as such on our federal and state tax returns.

My husband, Anthony, met with Todd Morgan on August 24, 2007 and obtained the information and application to begin the process of getting the permit. I was there the following week and met with Mark Martin in the Building Dept. to inquire about a waiver for ADA for a historical home.

We are expecting to return to Kentucky during the holidays and complete the site plan and obtain a list of adjoining property owners.

Please let us know if we can provide any further information.

Anthony can be reached during business hours at 310-864-2716 (cell). Carrie can be reached at 714-663-6335 (work).

Thank you for your consideration in this matter.

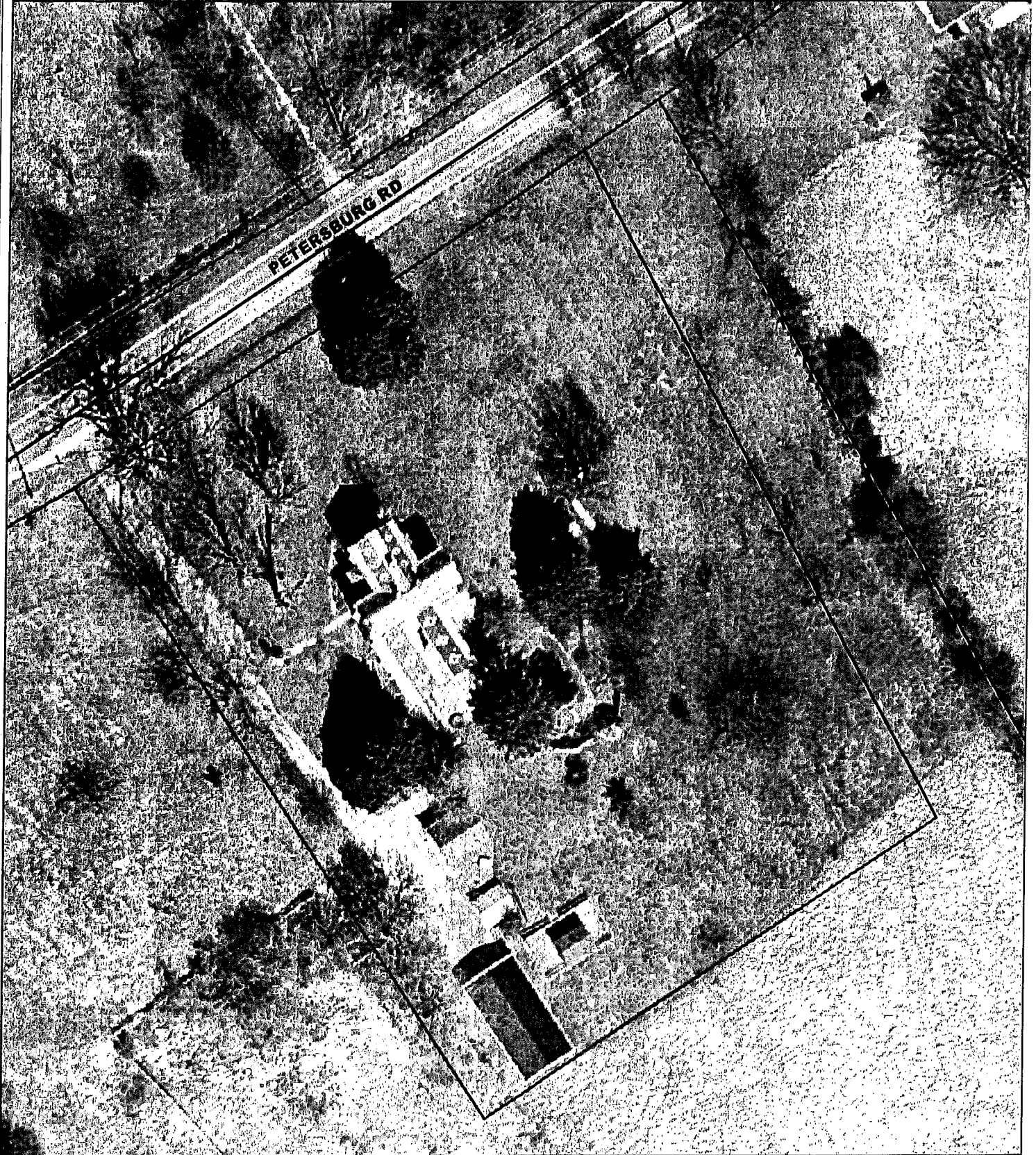
Sincerely,

*Carrie Leone*

Carrie and Anthony Leone  
12081 Diane St.  
Garden Grove, Ca. 92840  
714-638-8914 (home)

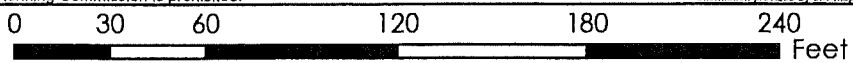
# AERIAL MAP (CLOSE-UP)

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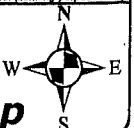
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1 Inch equals 60 feet



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



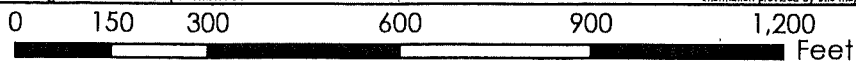
# AERIAL MAP

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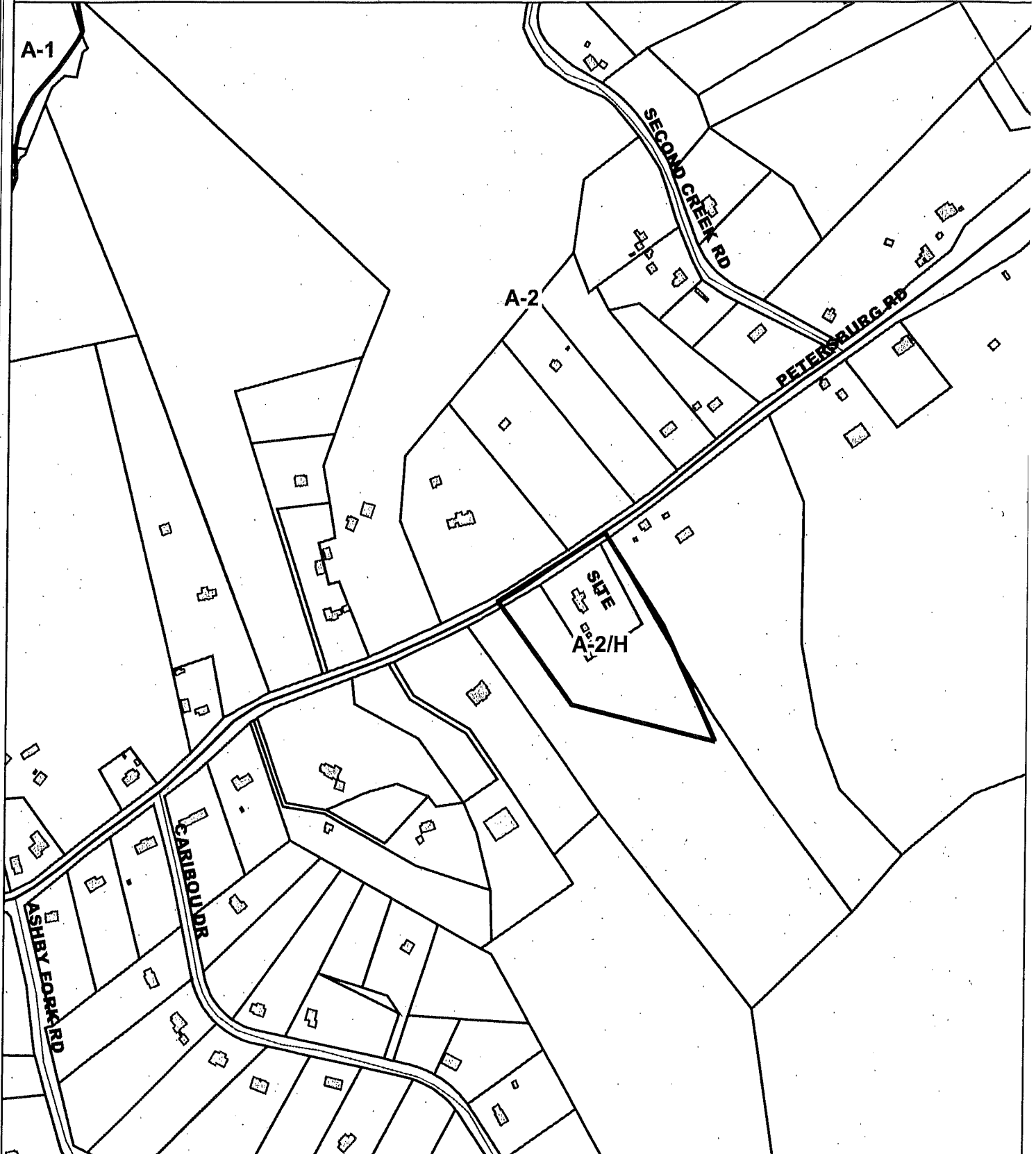


**Boone County GIS - Putting Northern Kentucky on the Map**



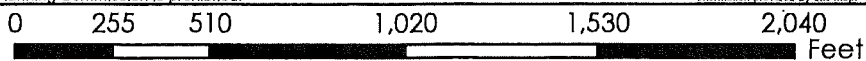
# ZONING MAP

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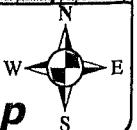
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1 Inch equals 500 feet

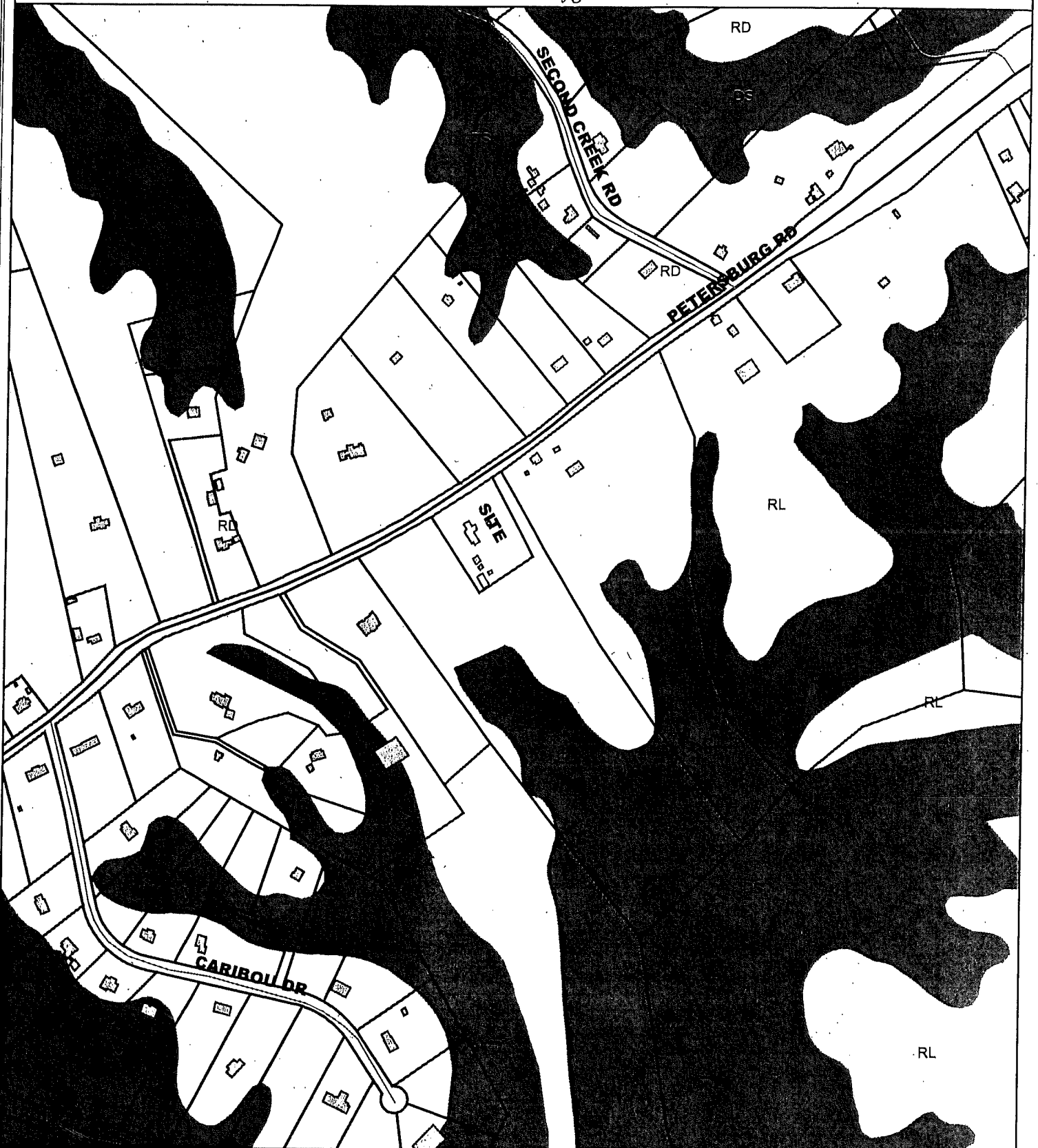


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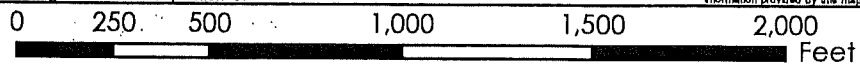
# FUTURE LAND USE MAP

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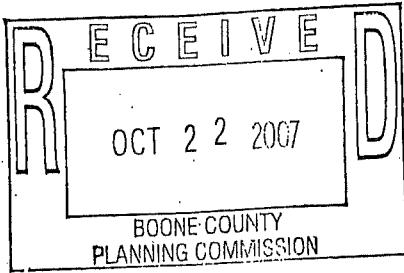


1 inch equals 500 feet



**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)

- 1. (Check One) Boone [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name ANTHONY & CARRIE LEONE
Phone Number 714) 638-8914 Fax No. 714) 663-6250
Applicant's Address 12081 DIANE ST.
PERM. ADDRESS GARDEN GROVE, CA. 92840
4. Description of Request: change use of 5009 PETERSBURG RD, PETERSBURG, KY, to BED & BREAKFAST IN EARLY 2009 UPON OUR RETIREMENT.
5. Name of Development \_\_\_\_\_
6. Location of Development 5009 Petersburg Road
7. Acreage Under Review 2.017
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property ANTHONY & CARRIE LEONE
Address of Property Owner 5009 PETERSBURG RD. Phone No. 714) 638-8914
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12. Total Square Footage of Existing and/or Proposed Buildings 3304 sq. ft.
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14. Deed Book 902 Page No. 1 Group No. 2012
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If yes, give date of approval \_\_\_\_\_
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17. Have you submitted a list of adjoining property owners with this request? IN PROGRESS
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: Anthony M Leone & Carrie E. Leone

Property Owner's Signature: Anthony M Leone & Carrie E. Leone

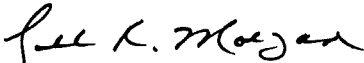
COPY

CLUR #07-BCBOA-017-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Anthony and Carrie Leone  
5009 Petersburg Road  
Petersburg, KY 41080
  
2. ADDRESS OF PROPERTY  
5009 Petersburg Road  
Petersburg, KY 41080
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
\_\_\_\_\_
  
4. DEED BOOK 902                      PAGE NO. 1                      GROUP NO. 2012
  
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



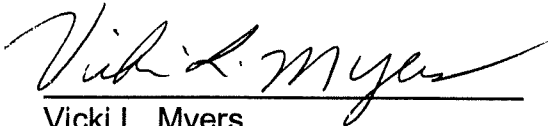
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

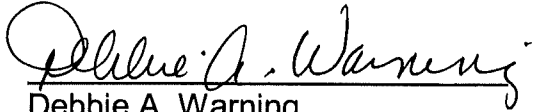
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 19 day of November, 2007.



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-017-A), for Anthony and Carrie Leone, 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 902

PAGE NO. 1

GROUP NO. 2012