

APPLICATION FORM

07-BCBA-019-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 [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name JIMMY & Kim Allen
Phone Number 689-4611 Fax No. 689-4611 (must call 1st)
Applicant's Address 7487 East Bend Rd.
City Burlington KY State KY Zip 41005
4. Description of Request: Firewood sales
5. Name of Development Allen's Tree Service
6. Location of Development 7487 East Bend Road
Burlington KY 41005
7. Acreage Under Review 1.01
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Jimmy & Kim Allen
Address of Property Owner 7487 East Bend Rd. Phone No. 689-4611
10. City Burlington KY State KY Zip 41005
11. Proposed Use(s) on Site sales of firewood to serve as heat source for Boone County Residents
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property R-2
14. Deed Book 826 Page No. 282 Group No. 2028
15. Is the site subject to a zone change? NO
If yes, give date of approval n/a
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: Kim Allen

Property Owner's Signature: Kim Allen

**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 11-19-07 Fee Received \$ 571.00 / R 55139
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
12/12/07 **Approved with Conditions (See #6)**  
**Denial (See #7)**
6. Conditions of Approval: SEE 12/12/07 BCBOA  
MEETING MINUTES + C.L.U.R.
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: Jimmy & Kim Allen  
LOCATION: 7487 East Bend Road, Boone County, Kentucky  
ZONING: Agricultural Estate (A-2)  
DATE: December 12, 2007

### Proposal

The Applicants are requesting a Conditional Use Permit to allow firewood sales at the above referenced location. This activity is already occurring on the property in some capacity.

The Conceptual Site Plan shows that the firewood could be stored in one of two locations on the subject property. The first location is 48' from East Bend Road and 20' from the northwest property line. The second location is immediately in front of the Applicants garage. An attached letter indicates that there are five alternative layouts in area 1 and three alternative layouts in area 2 (see attachments).

### 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 6, Section 623 of the Boone County Zoning Regulations permits "roadside stands, farmers mart and similar sales uses of agricultural and related products including specialty crafts and foods (Site Plan Review required)" as Conditional Uses in the A-2 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 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, 623, and 913 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 6, Section 623 of the Boone County Zoning Regulations allows the proposed uses in the A-2 zone as Conditional Uses provided:

- 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; 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 site for Rural Density Residential (RD) uses. This designation is defined as "low density residential uses of up to one dwelling unit per acre."

The Land Use Element (East Bend Road Area, pg. 158) states the following regarding the overall area:

This section of Boone County contains a substantial part of East Bend Road. The greatest amount of growth in this section should occur along East Bend Road, mostly in the form of Open Space Design Residential development. The location and number of driveways should be controlled, and where possible, driveways should be shared. This development will require the realignment and improvement of East Bend Road. As shown on the Future Land Use Map, much of this area should be evaluated for an Open Space Design Incentive Area. The small community of Waterloo may receive some limited residential growth as a result of growth in the Belleview and Burlington areas.

#### Site Characteristics

The subject site is approximately an acre in area and contains a single-family residence and a garage. Access to the site is provided from two driveways. The first driveway serves the single-family residence and is located on the southeast property line. The second driveway is a shared driveway which provides access to the garage and the adjoining properties to the north. The existing wood pile is located in the front yard and is in close proximity to the northwest property line.

#### Surrounding Land Uses and Zoning

- Northeast: East Bend Road, Single-Family Residential Dwellings, and a Garage (A-2)
- Northwest: Shared Driveway and a Single-Family Residential Dwelling
- Southeast: Single-Family Dwelling on a 5.85 Acre Tract (A-2)
- Southwest: Single-Family Dwelling on a 5.85 Acre Tract (A-2)

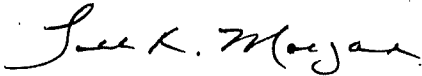
#### Staff Comments

1. The Boone County Planning Commission approved a Home Occupation Permit on November 19, 2007. The permit allows the applicants to operate a tree service business from the property. All trucks associated with the business must be stored in the garage.
2. The wood pile was approximately 10 feet tall and was not neatly stacked when the pictures were taken. The Applicants have informed Staff that the wood pile diminishes in the winter months as more people begin to buy firewood.
3. The Board needs to consider if the request will have any unreasonable impacts on the adjoining property owners. Staff believes that options 6-8 are the best alternatives because they minimize aesthetic impact from East Bend Road and adjoining properties.
4. Staff recommends the following conditions if the request is approved:
  - A. Permitted height and dimensions of the wood pile;
  - B. The wood pile shall be neatly stacked at all times.

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

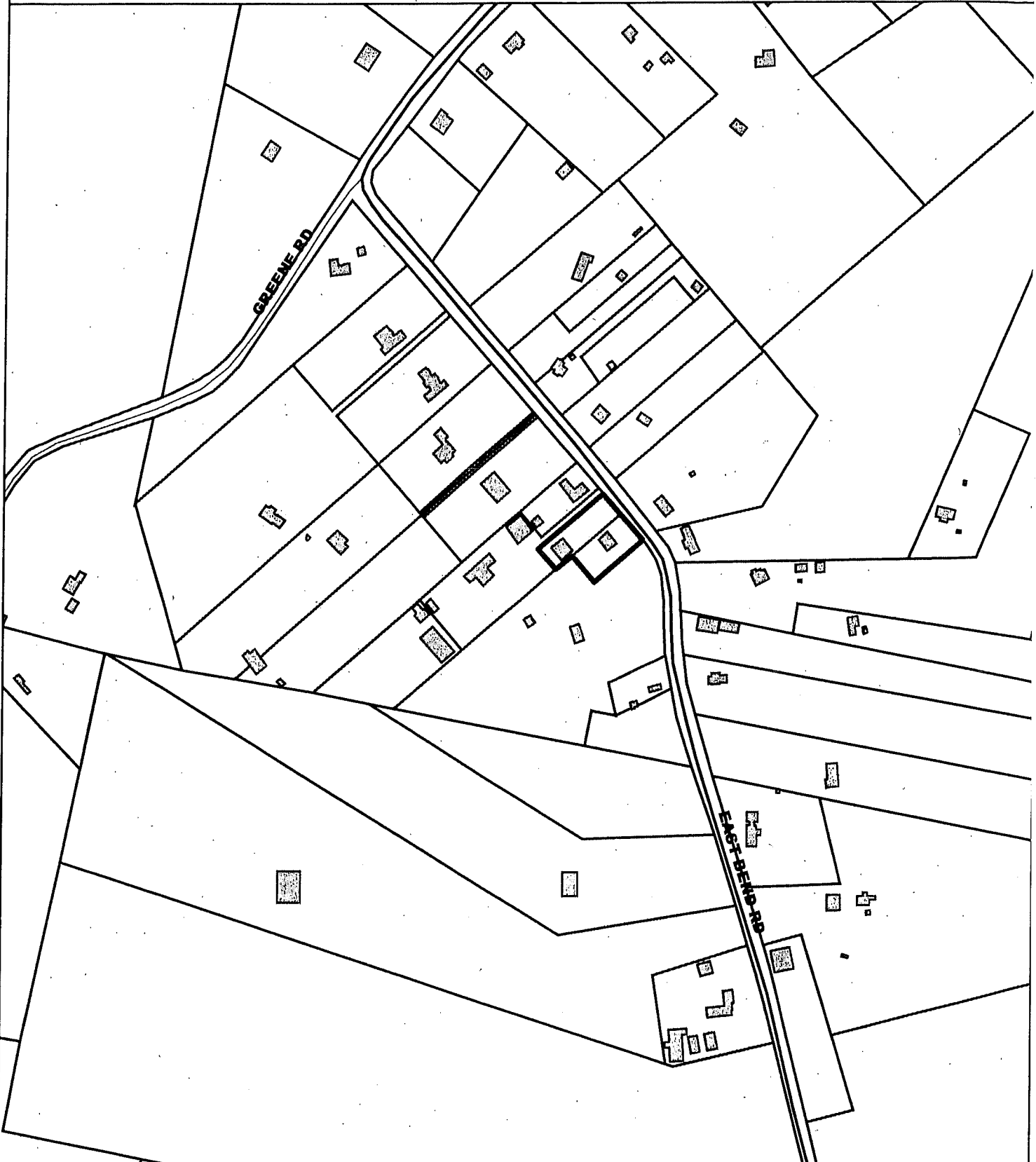
TKM/pr

attachments:

- \*Site Vicinity
- \*Concept Plan
- \*Explanation of Proposals
- \*Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Application

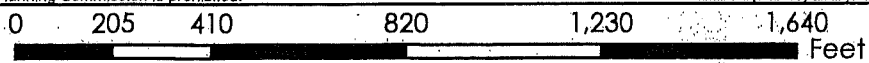
# SITE VICINITY MAP

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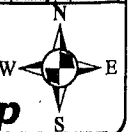
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1 inch equals 400 feet



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



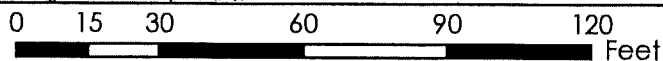
# Boone County GIS Map

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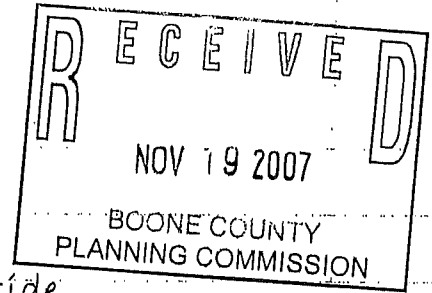


1 Inch equals 40 feet



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





Proposal # 1

Fill wood pile to dimensions:

30' in length along easement side

40' in width along front (East Bend Rd) side

4' in height

\* 48' from front property line - after 30 ft from center line of East Bend Road measured

\* 20' from side property line - on easement side - not including 20' easement

Proposal # 2

Fill wood as described above and add landscaping to conceal view from front side (East Bend Road) and side along our house.

Proposal # 3

Concrete block (2' X 2' X 6' - 2 block high = 4' height) around front side (East Bend Road) and side along our house.

Proposal # 4

Landscape around concrete block as listed dimensions in # 3.

Proposal # 5

Add concrete block on front portion of easement side to measure 14' with landscaping leaving a 16' accessible area to load/unload firewood on back portion of easement side.

Proposal # 6

Move firewood pile to rear yard by garage with dimensions:

6' height

30' width toward East Bend Road

30' length toward garage

Proposal # 7

As above in # 6 while concealing in concrete block as same measurements above.

Proposal # 8

As above in # 7 while landscaping sides of concrete block.

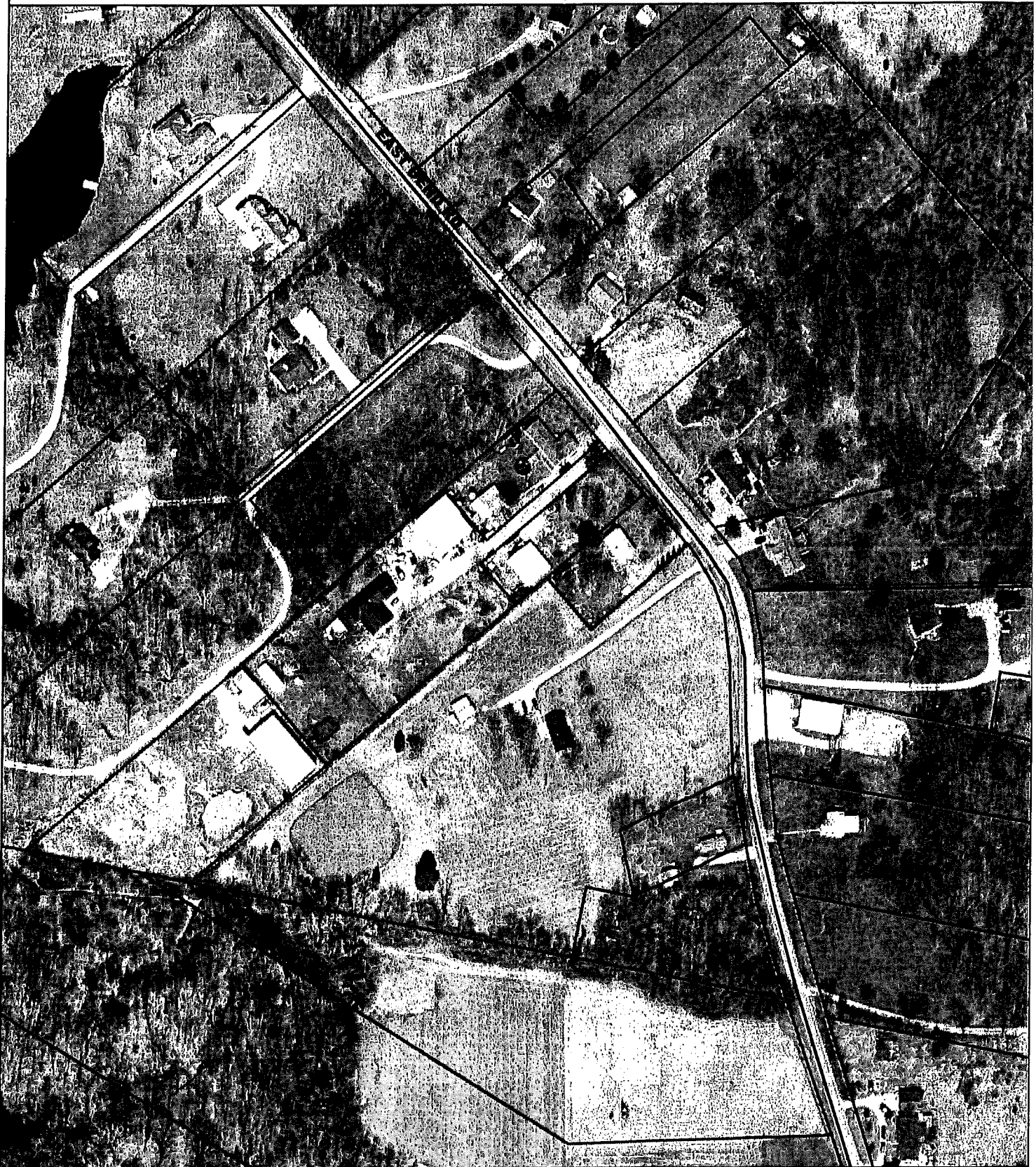
Note that these proposals # 6 - # 8 move fire wood pile to rear of our yard, by the existing garages and measure:

48' from property line (not including the 20' easement access we have)

All proposals are able to handle the drive up for pick up loads as we have 5 clients who pick up wood on the property and don't exceed 3 loads per week - thus never causing an issue with access to easement or causing increased traffic at any time.

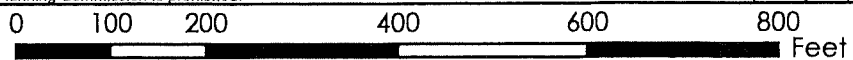
# AERIAL MAP

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

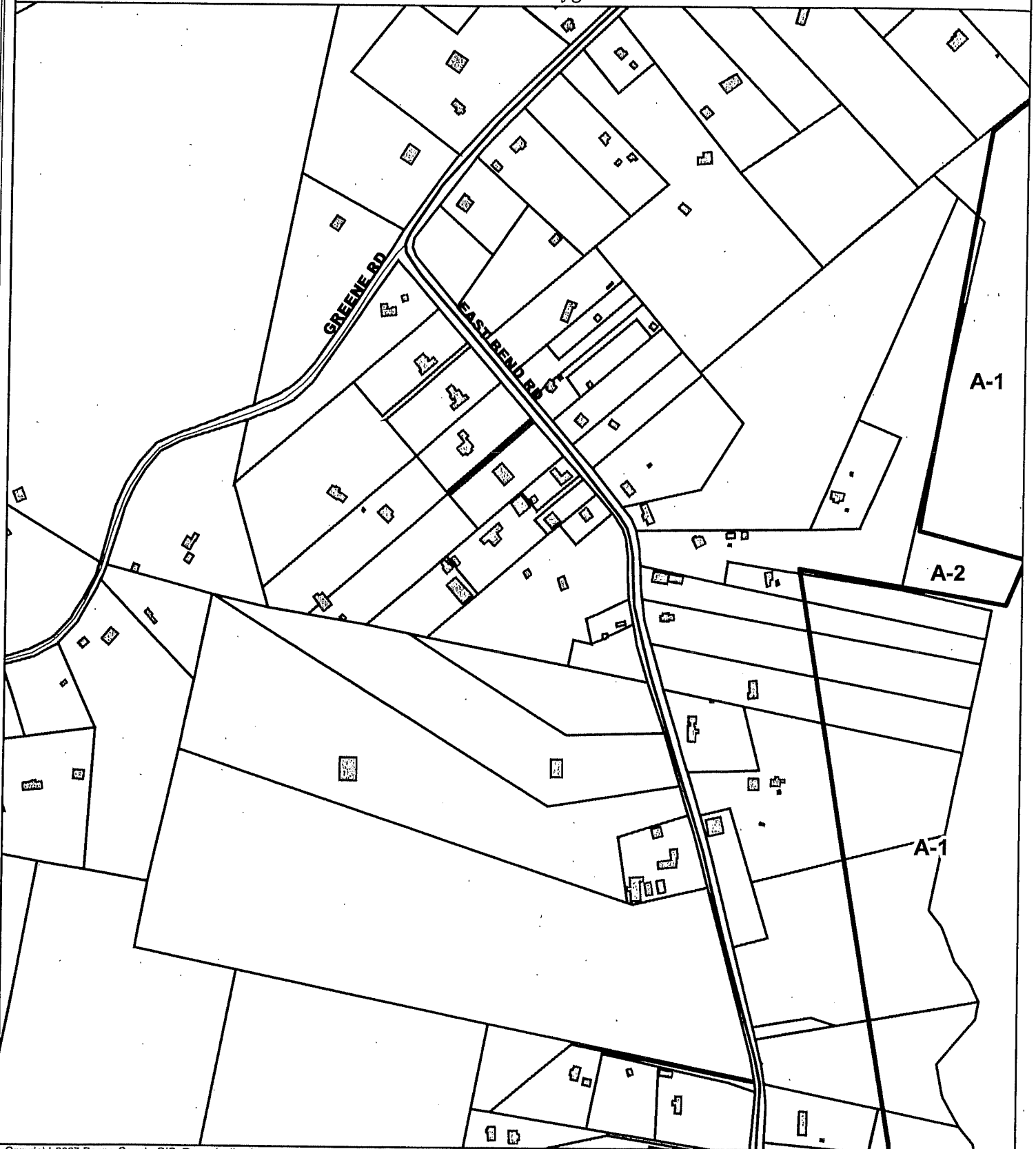


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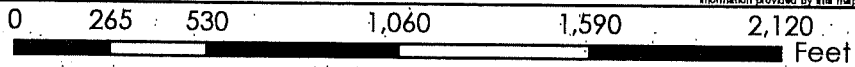
# ZONING MAP

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

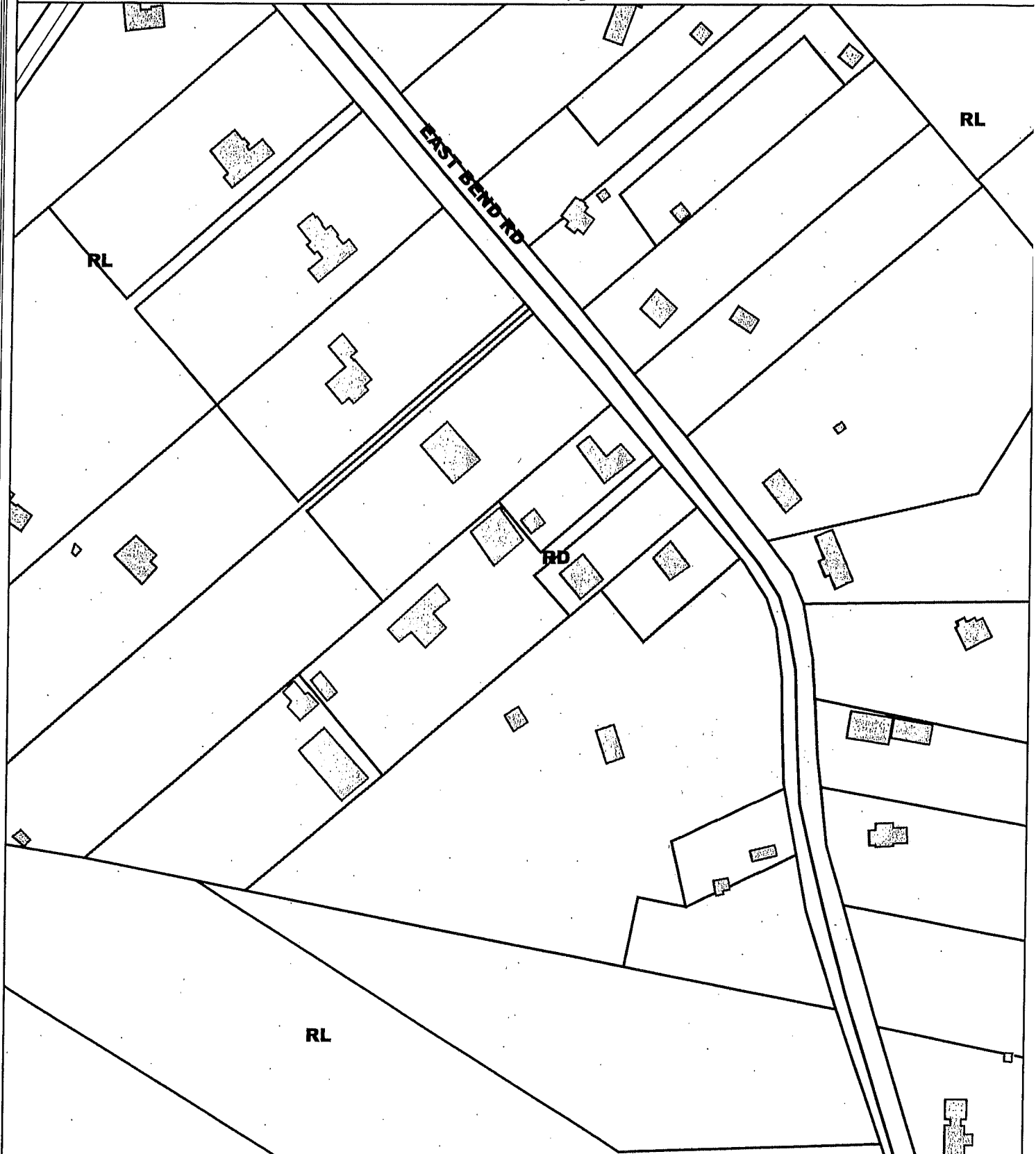


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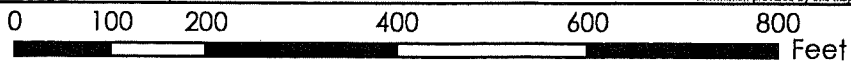
# FUTURE LAND USE MAP

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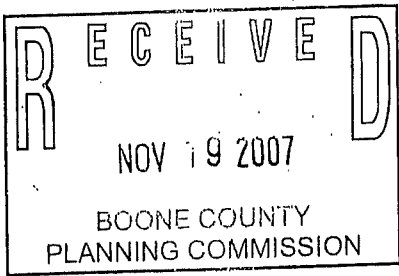


1 inch equals 200 feet



**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 [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Jimmy & Kim Allen, Phone Number 689-4611, Fax No. 689-4611 (must call 1st), Applicant's Address 7487 East Bend Rd., Burlington KY 41005
4. Description of Request: Firewood sales
5. Name of Development Allen's Tree Service
6. Location of Development 7487 East Bend Road Burlington KY 41005
7. Acreage Under Review 1.01
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Jimmy & Kim Allen, Address of Property Owner 7487 East Bend Rd., Phone No. 689-4611
10. City Burlington KY 41005
11. Proposed Use(s) on Site Sales of firewood to serve as heat source for Boone County residents
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property R2
14. Deed Book 826 Page No. 282 Group No. 2028
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: Kim Allen

Property Owner's Signature: Kim Allen

COPY

CLUR #07-BCBOA-019-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Jimmy & Kim Allen  
7487 East Bend Road  
Burlington, KY 41005

2. ADDRESS OF PROPERTY

7487 East Bend Road  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Allen's Tree Service

4. DEED BOOK 826

PAGE NO. 282

GROUP NO. 2028

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



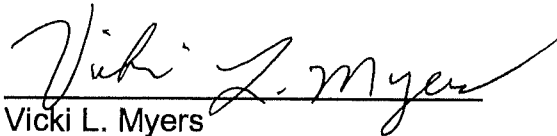
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

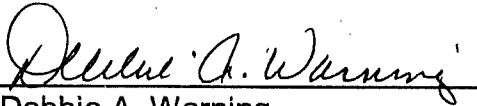
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 17 day of December, 2007.



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 December 12, 2007 Certificate of Land Use Restriction (#07-BCBOA-019-A), for Jimmy & Kim Allen, Property Owner(s).

The following conditions will apply:

- 1) The woodpiles are to be neatly stacked at all times; however this condition does not take effect until Spring 2008.
- 2) Woodpile dimensions are to be as follows:
  - A. Front yard (see conceptual site plan for reference)
    - 30' x 30',
    - 4' in height.
  - B. Area adjacent to garage (see conceptual site plan for reference)
    - 30' x 30',
    - 6' in height.

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

DEED BOOK 826 PAGE NO. 282 GROUP NO. 2028