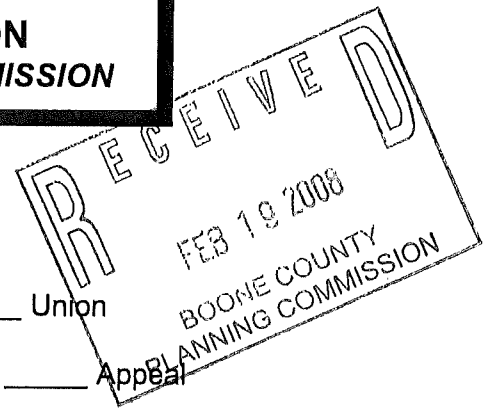


APPLICATION FORM

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) XX Boone Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal XX Change in Non-Conforming Use
3. Applicant's Name William M. Stanley & Dennis E. Stanley / Stanley Properties, LLC
Phone Number 859-485-4885 Fax No. 859-824-3370
Applicant's Address 14635 Walton - Verona Rd., Verona, Kentucky 41092
4. Description of Request: Convert existing portico to chapel use, add new small portico and porch and add 62 parking spaces
5. Name of Development Hamilton-Stanley Funeral Home
6. Location of Development 14635 Walton - Verona Rd. Verona, KY 41092
7. Acreage Under Review 2.8 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Stanley Properties LLC (William M. Stanley & Dennis E. Stanley)
Address of Property Owner 14635 Walton-Verona Rd. Phone No. 859-485-4885
10. Verona, Kentucky 41092
11. Proposed Use(s) on Site Funeral Home
12. Total Square Footage of Existing and/or Proposed Buildings Existing 8852/adding 1352
13. Current Zoning on Property RSE
14. Deed Book 678 / 825 Page No. 187 / 35 Group No. 2085
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 [Signature]

Property Owner's Signature: [Signature]

**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 2-19-08 Fee Received \$471⁰⁰ / #00444
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
3/12/08 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 3/12/08 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: William M. Stanley & Dennis E. Stanley for Stanley Properties, LLC

LOCATION: 14635 Walton Verona Road, Boone County, Kentucky

ZONING: Rural Suburban Estates (RSE) & Agricultural Estate (A-2)

DATE: March 12, 2008

PROPOSAL

The applicant is requesting a Change in Non-Conforming Use so building and parking expansions can be made to the Hamilton-Stanley Funeral Home. The subject property is located at 14635 Walton Verona Road and is zoned Rural Suburban Estates (RSE) & Agricultural Estate (A-2).

The Conceptual Site Plans show the following improvements:

1. The existing portico (56'-4" x 24') will be converted into an enclosed chapel that can accommodate up to 182 people.
2. A new portico (56'-4" x 16") is proposed immediately to the north of the new chapel.
3. New porches are proposed on the front and rear of the building.
4. Parking lot addition additions to the front, rear and south side of the building. The parking lot additions would add 62 parking stalls and create a one-way driveway system that would wrap around the building.
5. Engineered retaining walls are shown to the south side of the building and in the south/southeast corner of the proposed parking lot.

APPLICABLE REGULATIONS

Sections 911 and 913 of the Boone County Zoning Regulations do not list funeral homes as a principally permitted or conditional use in the Rural Suburban Estates (RSE) zoning district.

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to act on applications for changes in non-conforming use.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 272 of the Boone County Zoning Regulations states that where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted.

K.R.S. 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
2. The board of adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Article 33, Section 3325 of the Boone County Zoning Regulations states that the parking requirement for funeral parlors is 1 space per 100 square feet (gross floor area) of parlors or service rooms.

SITE CHARACTERISTICS

The approximate 2.88 acre site fronts on Walton Verona Road and contains an approximate 8,852 square foot funeral home (5,103 square foot first floor and 3749 square foot basement), which is constructed with brick, vinyl siding, and asphaltic shingles. Access to the site is provided by a single curb cut on Walton Verona Road. The northern parking lot is constructed of concrete and contains some striped parking stalls. The western parking lot is gravel and is used as a service entrance and overflow parking lot. The topography of the property falls from approximately 916' above sea level at the northeast property corner to approximately 866' above sea level at the southwest property corner. The site also contains a large number of evergreen and deciduous trees.

STAFF COMMENTS

1. The business has been located on the property since 1969.
2. The business is non-conforming because funeral homes are not listed as a principally permitted use or conditional use in the Rural Suburban Estates (RSE) zoning district.

3. Staff would like the Applicants to explain the existing operation.
 - A. What are the days and times of operation?
 - B. Is there an existing chapel? How many people can the chapel and visitation areas currently accommodate?
 - C. Explain the use of the apartment.
 - D. Explain the existing parking problems.
4. Staff has the following comments:
 - A. A chart on the submitted plans states that the chapel can accommodate up to 182 people and that the visitation area could accommodate up to 92 people (274 total). The applicants have informed Staff that they do not plan on setting up that many seats.
 - B. A full parking analysis will need to be provided if the application is approved. The Boone County Zoning Regulations requires one parking space per 100 square feet (gross floor area) of parlors or service rooms. The parking calculation will be based on the square footage of the entry area, vestibule, rear vestibule, and chapel. Two spaces will also be required for the apartment.
 - C. There are several large deciduous and evergreen trees in the front and southern side yard that will need to be cleared to accommodate the proposed parking lot. In addition, the rear parking lot is only 6' from the southern property line. Staff is concerned that the side and rear parking lots could have a considerable impact on the adjoining property owner to the south.
 - D. Staff would like the Applicants to explain the height and materials of the proposed retaining walls. These walls could impact the adjoining property owner to the south and the view from Walton Verona Road.
 - E. The plans show 10 proposed light pole locations. A note has been provided indicating that the poles will be 12' in height and that fixtures will be oriented downwards and inwards toward the parking lot. Light fixture details have been provided (see attachments).
 - F. The applicant has informed Staff that the building addition will be constructed with matching face brick and matching shingles (see attached elevations).
 - G. Staff would like to point out the parking lot addition will be subject to the street frontage and vehicular use area (VUA) landscaping requirements that are found in Article 37 of the zoning regulations. A street frontage buffer (10' minimum width) is required in between Walton Verona Road and the proposed driveway aisle. Five percent (5%) of the parking addition must be in the form of landscaping islands because the site contains more than 50 parking stalls.
5. The Board needs to analyze if the proposal increases the non-conformity. The Board can analyze if the non-conformity is becoming more or less objectionable.

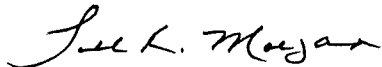
6. Staff recommends that the Board should consider the following conditions if the request is approved:
- A. The approval is based on the Conceptual Site Plan and elevation drawings. All proposed brick and roofing shall match the existing building.
 - B. A minimum 12' wide landscaping buffer shall be required along the southern property line (area adjoining the proposed parking lots). The planting requirement shall be 10 evergreen trees (6' installation size) and 4 large trees (2" caliper installation size) per 100 linear feet. The trees shall be selected from the plant lists in the Boone County Zoning Regulations.

A three foot tall berm shall also be required where the rear parking lot adjoins the southern property line. This berm will help reduce headlight glare.
 - C. The parking lot addition is subject to the street frontage and vehicular use area landscaping requirements that are found in Article 37 of the Boone County Zoning Regulations.
 - D. The light poles/fixtures shall have a residential appearance and shall be limited to an overall height of 12 feet. The four light poles/fixtures proposed near the southern property line shall be equipped with cut-off shields to prevent any illumination on the adjoining property to the south. All footcandle measurements shall comply with the Boone County Zoning Regulations.
 - E. Height limitations and construction materials for the retaining walls.
 - F. A Major Site Plan will need to be submitted and approved by the Boone County Planning Commission before any construction work can occur

Conclusion

KRS 100.253 and Section 220 of the Boone County Zoning Regulations gives the Board the authority to grant the request.

Respectfully submitted,

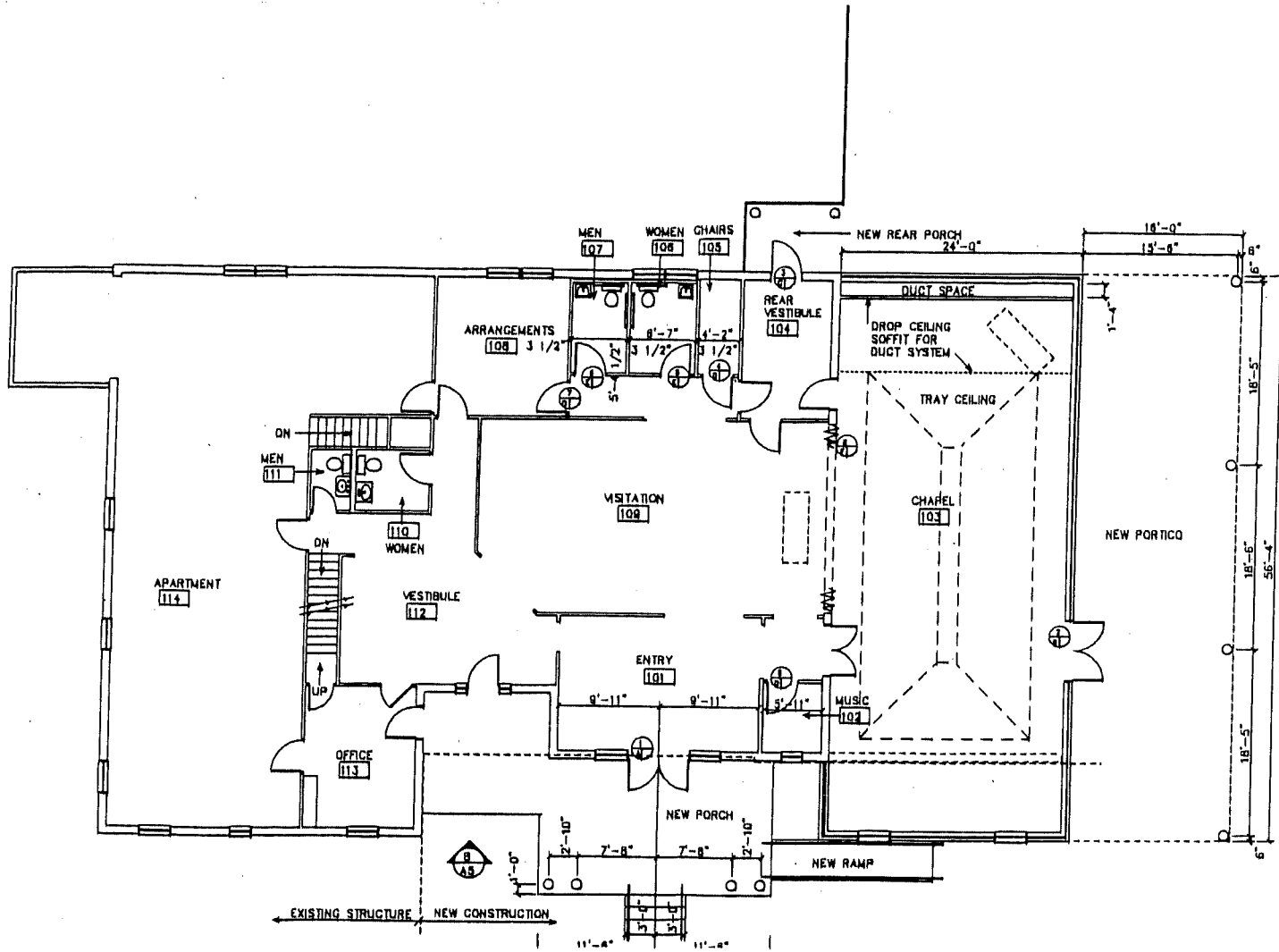


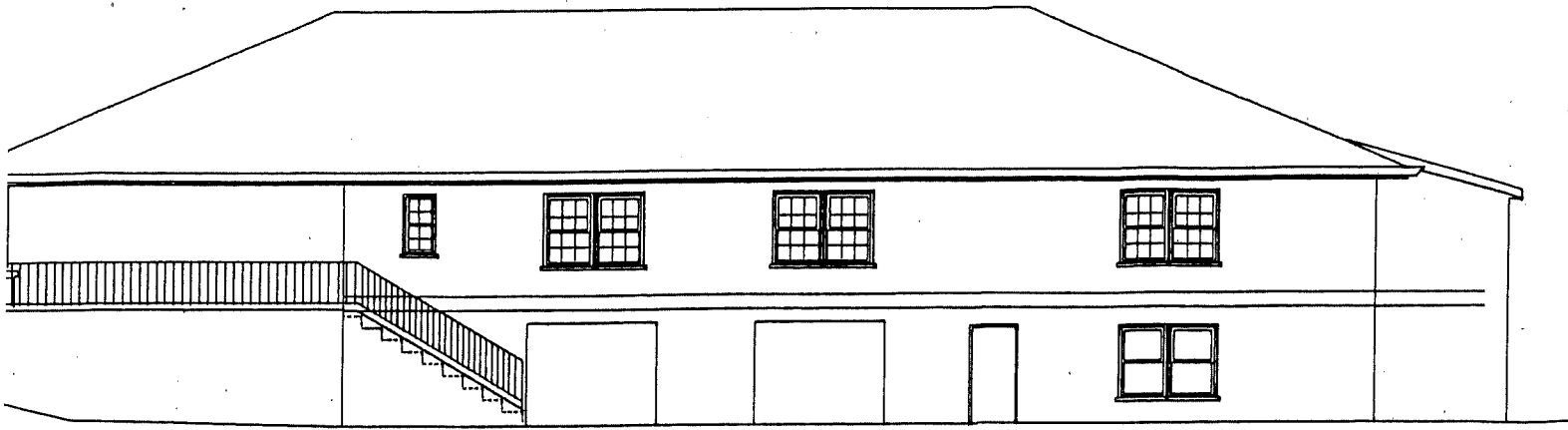
Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

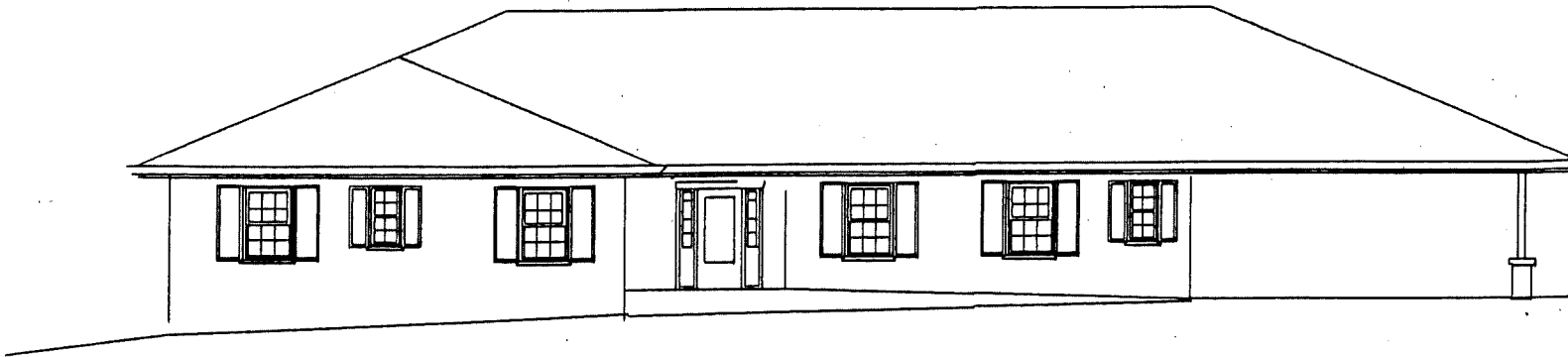
Attachments

- *Site Vicinity Map
- *Concept Plan
- *Floor Plans and Elevations
- *Light Fixtures
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

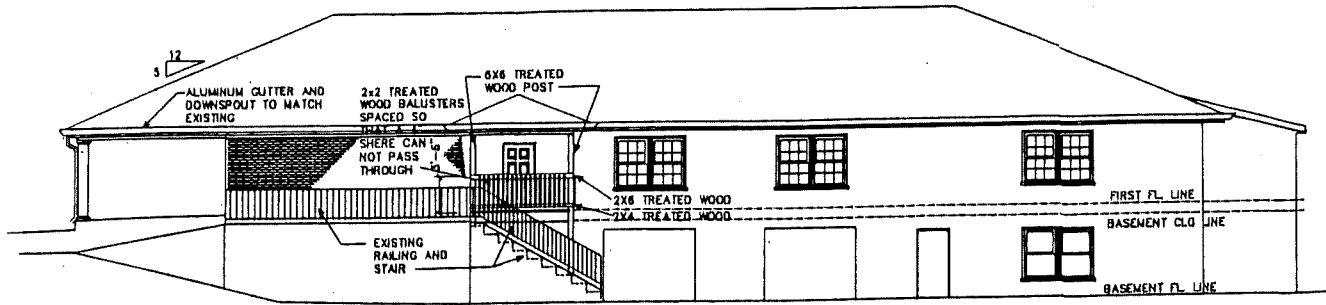




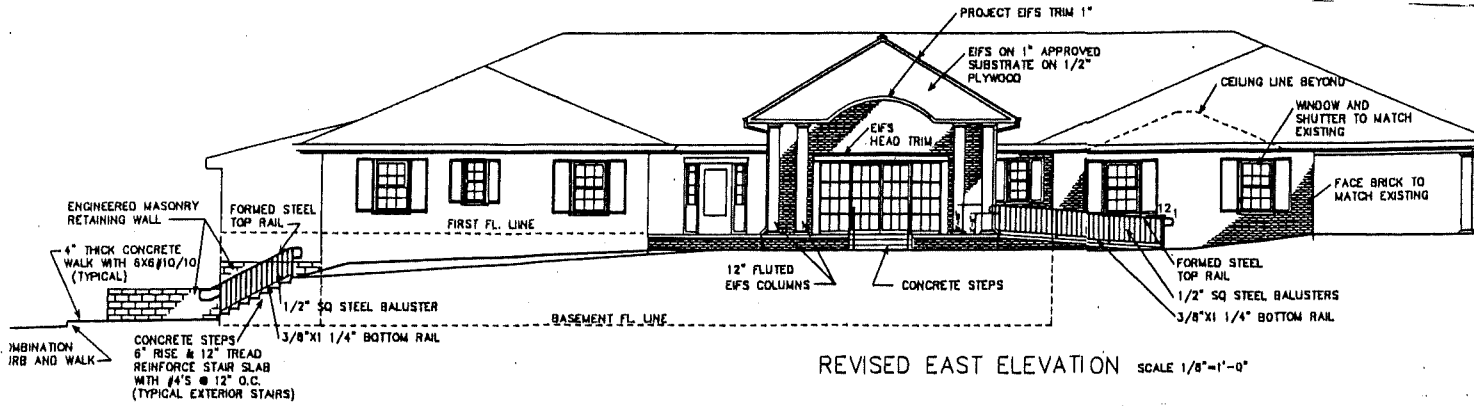
EXISTING WEST ELEVATION



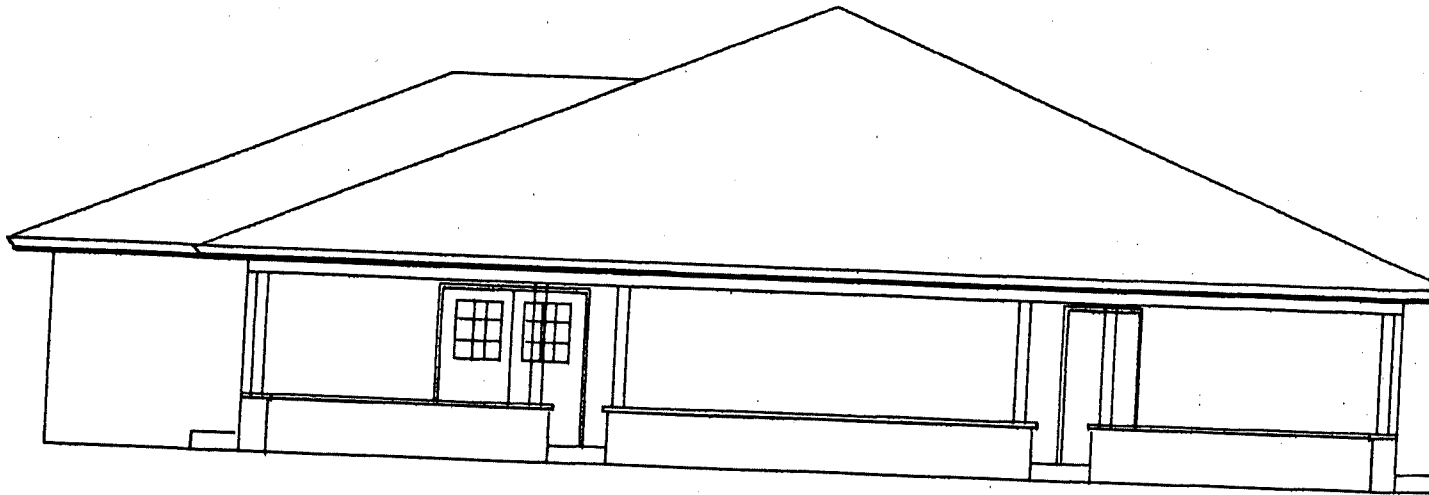
EXISTING EAST ELEVATION



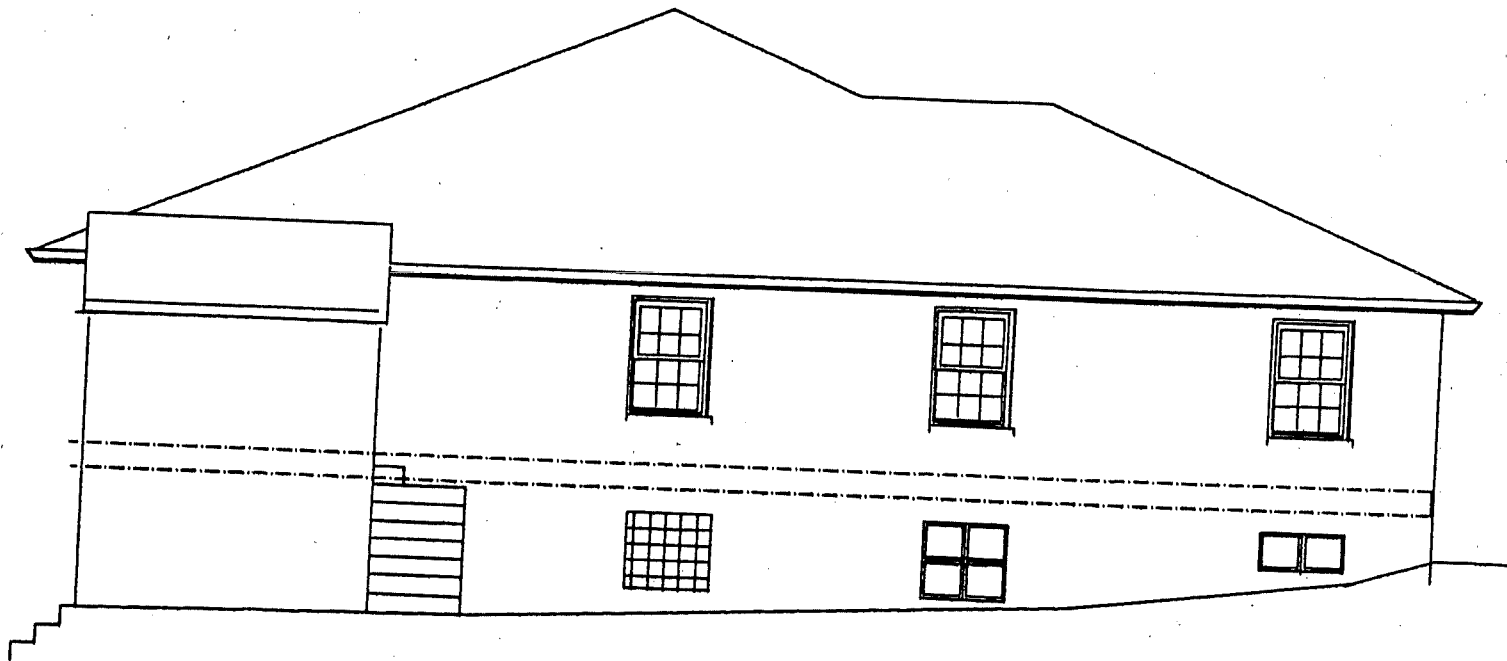
REVISED WEST ELEVATION SCALE 1/8"=1'-0"



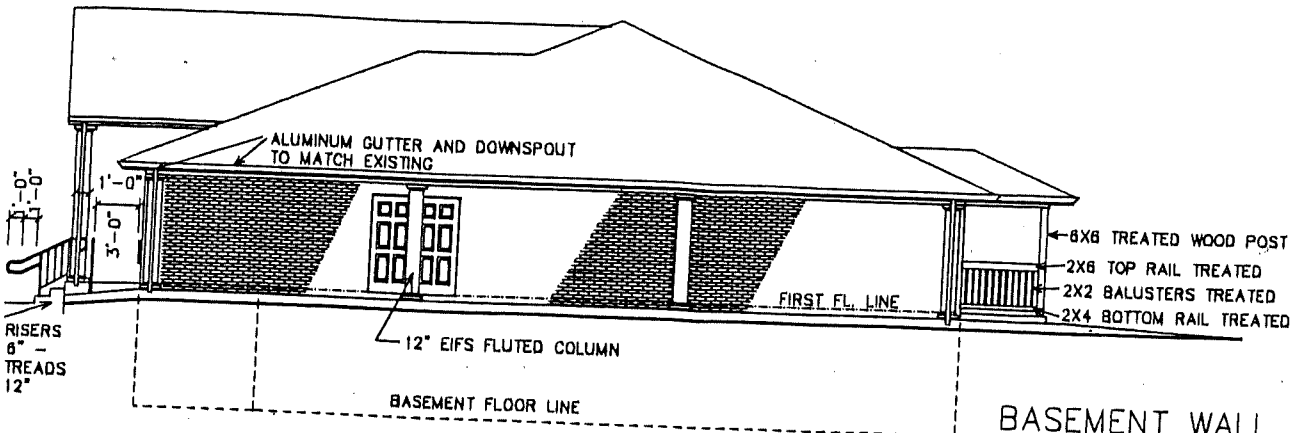
REVISED EAST ELEVATION SCALE 1/8"=1'-0"



EXISTING NORTH ELEVATION



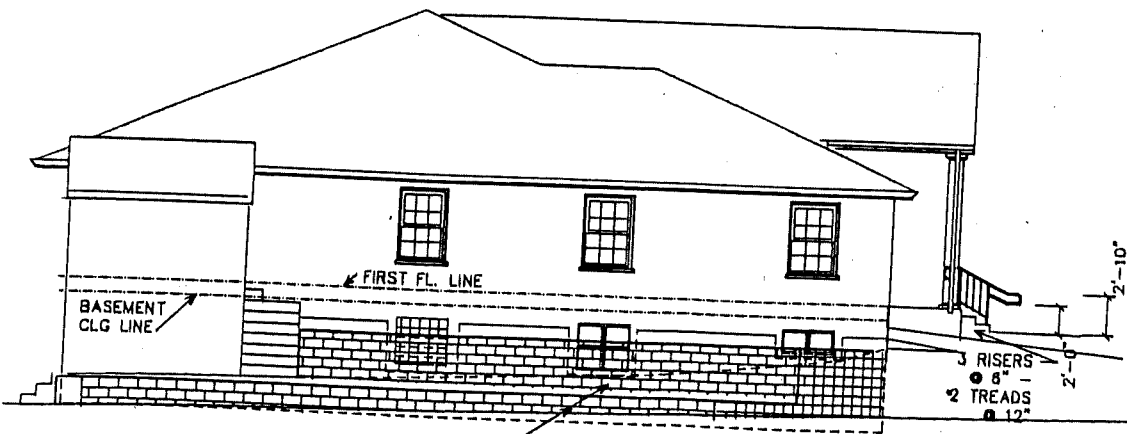
EXISTING SOUTH ELEVATION



REVISED NORTH ELEVATION
SCALE 1/8"=1'-0"

BASEMENT WALL AREA BELOW GRADE CALCULATIONS

WALL	TOTAL WALL AREA	WALL AREA BELOW GRAD
EAST	724 SQ FT	603 SQ FT
NORTH	480	480
WEST	724	0
SOUTH	480	263
TOTAL	2,408 SA FT	1,346 SQ FT > HALF



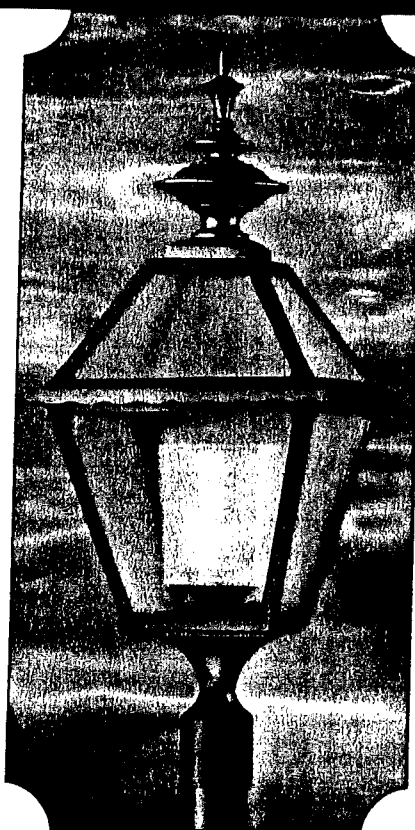
REVISED SOUTH ELEVATION SCALE 1/8"=1'-0"

10 VINTAGE LIGHTING FIXTURES



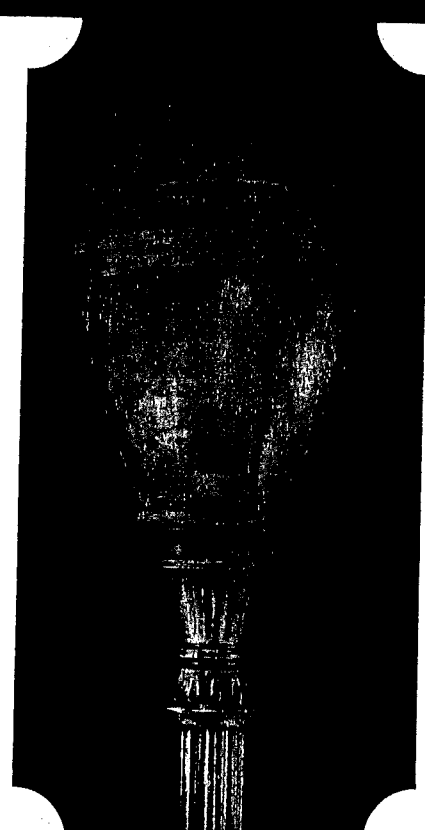
FAIRFAX

961-PT Unusual stylized Colonial fixture with "chimney" finial is the perfect choice for new commercial and residential developments that are designed with an Early American ambiance. The solid roof is gloss white inside to reflect all the light downward. Crafted of vandal resistant cast aluminum and shown here with clear seeded acrylic lenses that emulate the look of antique glass without the risk of breaking. Refractor allows the use of HID lamping. Shown in Black, the fixture measures 14½"x38". See page 59.



COLONIAL

9623-TF Authentic colonial design to complement historic or new buildings. Clear seeded acrylic lens for ambiance and unobtrusive refractor/reflector for energy efficient performance. This fixture scales 15"x35" and, with optional open legs, provides downlighting as shown on page 51. The closed base is recommended with high wattage lamping. Shown in classic Black finish.



RIPON-A

1130-A Our Verde Green finish is used on a rugged fixture with classic design. Tough polycarbonate globe, vandal resistant cast aluminum construction, reduced glare optics and integral ballast. This model scales an ample 18"x33" and is one of the many Sternberg designs that are available for use on concrete or wood poles. See page 18 for installation photo.

Mercury Vapor	100 or 175w
High Pressure Sodium	70, 100 or 150w
Metal Halide	70, 100 or 150w

100, 175 or 250w
70, 100, 150 or 250w
70, 100, 175 or 250w

100, 175 or 250w
70, 100 or 150w
70, 100 or 175w

QUALITY IS FREE

We believe in Dr. W. Edwards Deming's philosophy that "quality is free". Everyone at Sternberg is dedicated to providing our customers with the best engineering, production and customer service. We are very proud that we have products installed all over the country, including on all four coasts where we have never lost a pole even in the worst hurricane.

Sternberg products are designed with deep flutes, clearly defined for authentic appearance and structural strength. We don't put "modern" type globes on poles that are definitely "vintage" design. The use of ornamental globe shapes, etc., that sparkle and glisten from commercial reflectors coupled with prismatic surface texture is like having a digital face on a grandfather clock. We keep the flavor of yesteryear, melding vintage styles to complement building and landscape designs.

All access doors are secured with recessed stainless steel screws so they are vandal resistant. All pole assemblies are welded. There are no screws, bolts or set screws, even on our candy cane poles. The #508 fitter is welded to the pole even though this costs more in production than a slip over/set screw assembly.

This fitter will never tilt, loosen, nor become a missile if the pole is hit by a car or truck.

Our candy cane poles are the only ones we know that have the curved section double welded (inside and out) to the straight pole. The weld is then ground off to become invisible, only a smooth uninterrupted curve remains.

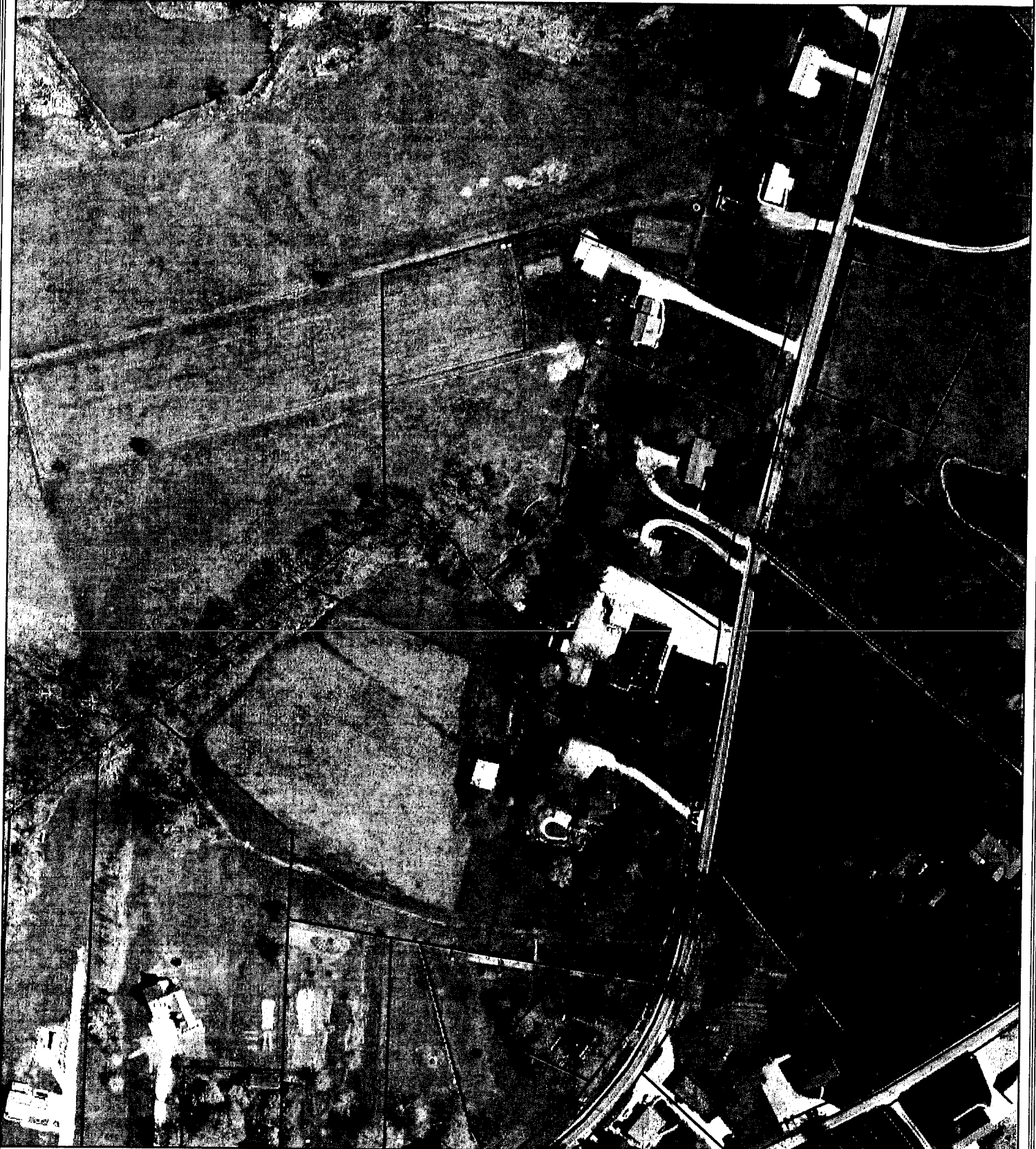
After applying the long-lasting finish, all Sternberg poles are wrapped in shock pads and fully protected as they arrive at the job site in the same condition they were in when they left the factory.

Our final guarantee of quality is the praise of people who are experts at producing our products. Most of them have worked for Sternberg for several years. The result is that our quotations are knowledgeable about what will be needed in a wide variety of situations so when you receive a quotation you can be sure there will be no surprises later.

Remember, we have been masters of lighting history for over 70 years. Our warranty is on the back cover.

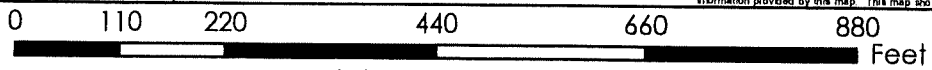
AERIAL MAP

www.boonecountygis.com



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1 inch equals 200 feet

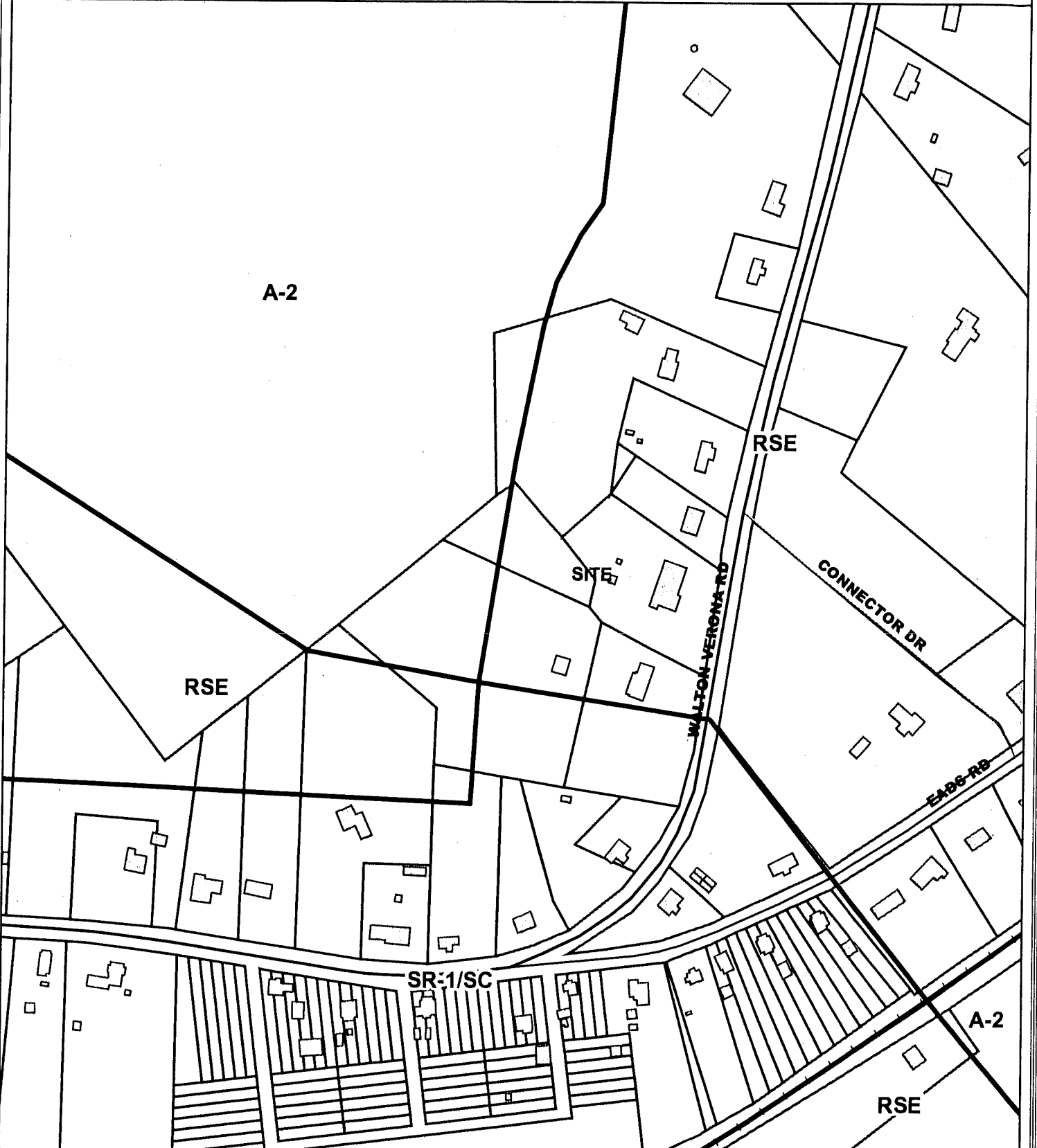


Boone County GIS - Putting Northern Kentucky on the Map



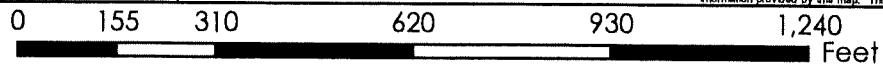
ZONING MAP

www.boonecountygis.com



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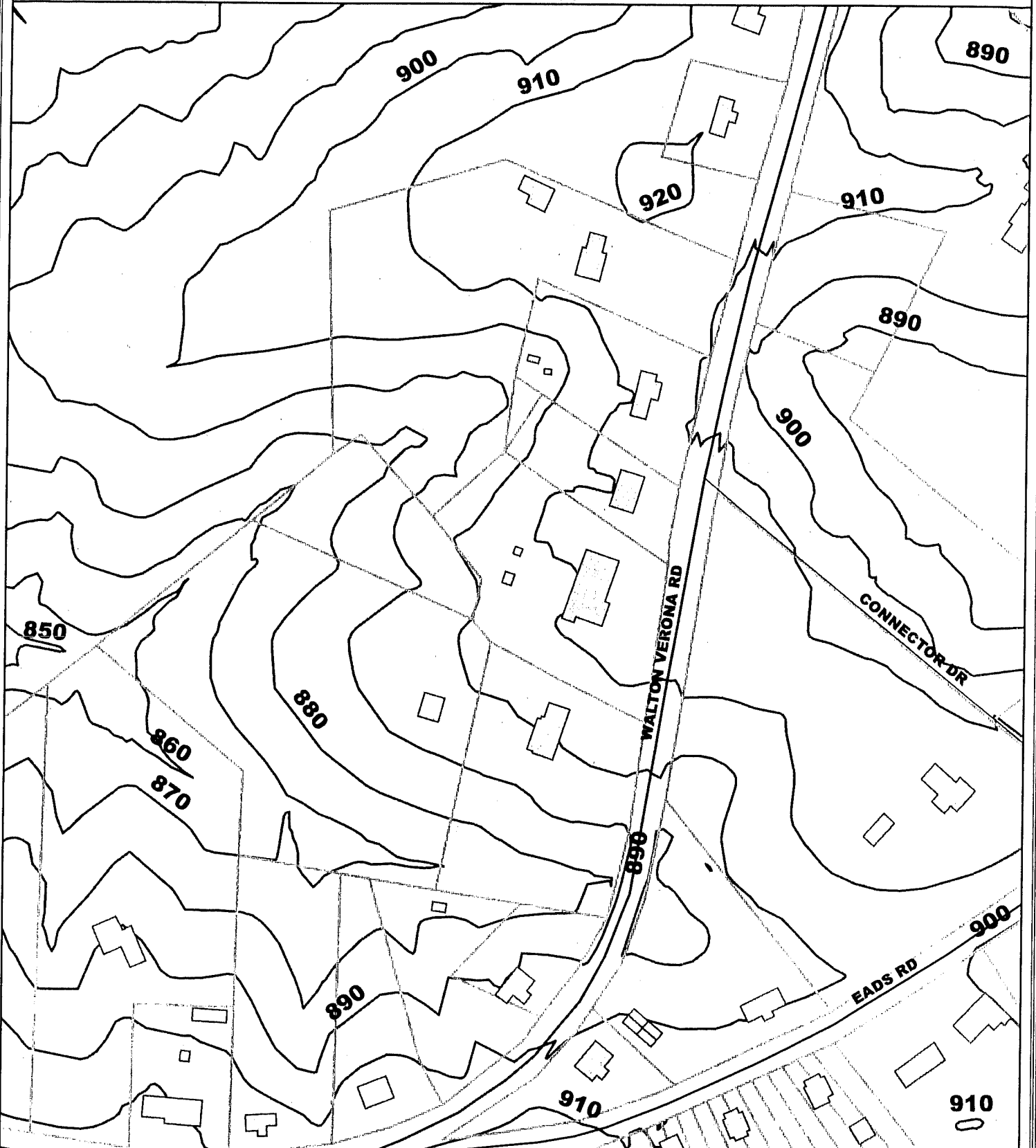
Date used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

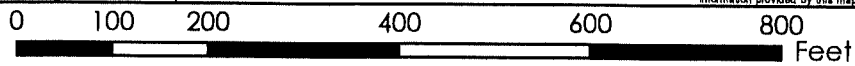
TOPOGRAPHICAL MAP

www.boonecountygis.com

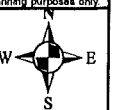


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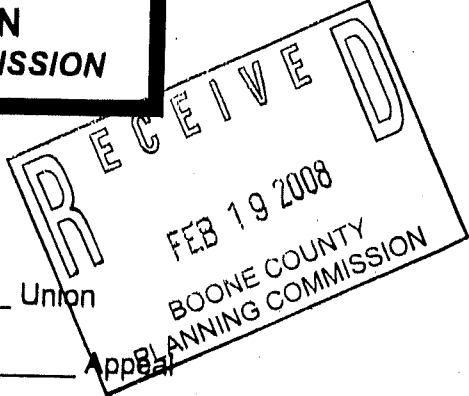
1 inch equals 200 feet



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) XX Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit _____ Variance _____ XX Change in Non-Conforming Use
- 3. Applicant's Name William M. Stanley & Dennis E. Stanley / Stanley Properties, LLC
Phone Number 859-485-4885 Fax No. 859-824-3370
Applicant's Address 14635 Walton - Verona Rd.,
Verona, Kentucky 41092
City State Zip
- 4. Description of Request: Convert existing portico to chapel use, add new small portico and porch and add 62 parking spaces
- 5. Name of Development Hamilton-Stanley Funeral Home
- 6. Location of Development 14635 Walton - Verona Rd.
Verona, KY 41092
- 7. Acreage Under Review 2.8 Acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Stanley Properties LLC (William M. Stanley & Dennis E. Stanley)
Address of Property Owner 14635 Walton-Verona Rd. Phone No. 859-485-4885
Verona, Kentucky 41092
City State Zip
- 11. Proposed Use(s) on Site Funeral Home
- 12. Total Square Footage of Existing and/or Proposed Buildings Existing 8852/adding 1352
- 13. Current Zoning on Property RSE
- 14. Deed Book 678 / 825 Page No. 187 / 35 Group No. 2085
- 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: [Signature] Wm. Michael Stanley

Property Owner's Signature: [Signature] Wm. Michael Stanley

COPY

CLUR #08-BCBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Stanley Properties LLC
14635 Walton-Verona Road
Verona, KY 41092

2. ADDRESS OF PROPERTY

14635 Walton-Verona Road
Verona, KY 41092

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Hamilton-Stanley Funeral Home

4. DEED BOOKS & PAGES 678/187, 825/35

GROUP NO. 2085

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: Change in Non-Conforming Use

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Change in Non-Conforming Use approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of March 12, 2008 Certificate of Land Use Restriction (#08-BCBOA-005-A), for Stanley Properties, LLC, Property Owner(s).

The following conditions will apply:

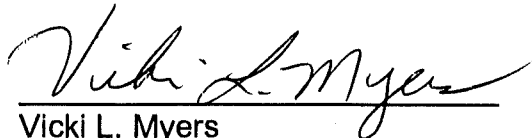
- 1) The approval is based on the Conceptual Site Plan, however the following changes shall be made:
 - A. The southern row of parking shall be eliminated. This includes the 2 parking spaces and hammerhead in the rear parking lot.
 - B. There is to be an approximate 30 foot landscaping buffer along the southern property line (between street frontage buffer and the rear parking lot). The first 12 feet shall contain 10 evergreen trees (6' installation size) and 4 large trees (2" caliper installation size) per 100 linear feet. The trees shall be selected from the plant lists in the Boone County Zoning Regulations. The remaining 18 feet will be a grass buffer.
 - C. If the retaining wall is constructed, it shall be curved (not angled) at the corner. It shall also be setback approximately 30 feet from the southern property line. The retaining wall shall be no higher than three feet and constructed of decorative block.
 - D. A 3 foot tall berm shall be required where the rear parking lot adjoins the southern property line.
 - E. The parking lot addition is subject to the vehicular use area landscaping requirements that are found in Article 37 of the Boone County Zoning Regulations.
 - F. The light poles/fixtures shall have a residential appearance and shall be limited to an overall height of 12 feet. The four light poles/fixtures proposed near the southern property line shall be equipped with cut-off shields to prevent any illumination on the adjoining property to the south. All footcandle measurements shall comply with the Boone County Zoning Regulations.
- 2) The approval is based on the submitted elevation drawings. All proposed brick and roofing shall match the existing building.
- 3) The apartment is to be utilized only by an employee of Stanley Properties, LLC and is not to be rented out.
- 4) A Major Site Plan is required to be submitted and approved by the Boone County Planning Commission before any construction work can occur.

The approved Change in Non-Conforming Use as well as the preceding conditions applies to the property described in:

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

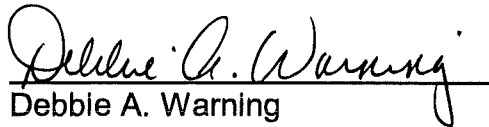
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 24 day of March, 2008.



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.)