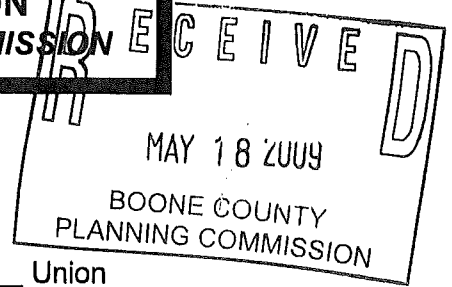


BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



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
3. Applicant's Name, Phone Number, Applicant's Address, City, State, Zip
4. Description of Request: Conditional Use Permit Request to utilize adjoining property for cemetery.
5. Name of Development
6. Location of Development
7. Acreage Under Review 2.7/6 ACRES
8. Lot Number and Name of Subdivision
9. Owner of Property Paul Webster
10. Address of Property Owner, City, State, Zip
11. Proposed Use(s) on Site CEMETERY
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property RSE
14. Deed Book 63 Page No. 138 Group No. 2089
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request?
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.

ORIGINAL Property Owner's Signature: Paul Webster (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: J.F. Fulmer, Attorney (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

STAFF REPORT

APPLICANT: New Bethel Cemetery Corporation, Paul Webster, and the Harry Reed Estate

LOCATION: Northwest and southeast of the existing cemetery and directly across from 15157 and 15317 Lebanon Crittenden Road, Boone County (Verona), Kentucky

ZONING: Rural Suburban Estates (RSE)

DATE: June 10, 2009

Proposal

The Applicants are requesting two (2) Conditional Use Permits so New Bethel Cemetery can expand. The submitted survey plats show that the cemetery would expand onto a 2.716 acre area which is currently owned by Paul Webster and a 1.111 acre area which is owned by the Harry Reed Estate. According to Boone County G.I.S. the existing cemetery is 11.43 acres in area and has approximately 1,200 feet of road frontage along Lebanon Crittenden Road.

Applicable Regulations

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

Section 913 of the Boone County Zoning Regulations permits cemeteries including mausoleums (Site Plan Review required) as a conditional use within the Rural Suburban Estates (RSE) district.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 913 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for 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 913 of the Boone County Zoning Regulations allows cemeteries as a conditional use in the RSE district. The Board shall analyze the following criteria:

- a. the activity is an integral and subordinate function of a permitted agricultural, recreational or residential use; or
- b. the activity will not contradict the semi-suburban, open space character of the district;
- c. require or contribute to infrastructure need above that common of the district's permitted uses;
- d. is of direct relation to and in support of the purpose of the district; and
- e. the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Section 3221 of the Boone County Zoning Regulations states that a proposed development is permitted one access point for every 500 feet of site frontage.

Section 3314 of the Boone County Zoning Regulations states that all parking areas, driveways, and vehicle circulation areas shall be constructed with asphalt concrete or portland cement.

Section 3323 of the Boone County Zoning Regulations states that internal driveways shall be a minimum of 14' for one-way traffic and 20' wide for two-way traffic.

Section 3620 of the Boone County Zoning Regulations states that when a use adjoins a street, landscaping shall be required from Buffer Yard A.

Section 3645 of the Boone County Zoning Regulations lists Buffer Yard A as a 10' wide buffer with 5 small trees or 3 large trees and 30 small shrubs or 15 large shrubs per 100 linear feet.

Relationship to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan designates the site in question for Public/Institutional and "Rural Lands". These designations are described as follows:

Public/Institutional - Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.

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.

The following Goals and Objectives Relate to the proposal:

Public facilities and services shall be in locations that are accessible to the population being served (Public Services and Facilities, Objectives).

Site Characteristics

The Webster tract has 22.51' feet of frontage along Lebanon Crittenden Road which is immediately to the northwest and the existing cemetery. The Reed tract has 30' feet of frontage along Lebanon Crittenden Road which is immediately to the southeast of the existing cemetery. Both tracts are currently part of active farms.

Surrounding Land Uses and Zoning

- Northeast: Farmland (RSE)
- Northwest: Farmland and Louisville & Nashville Rail Road Right-of-Way (RSE)
- Southeast: Farmland (RSE)
- Southwest: Lebanon Crittenden Road, Single-Family Residential Dwellings, a Mobile Home, and Farms (RSE)

Staff Comments

1. A Conceptual Site Plan was not submitted with the request. As a result, Staff would like the applicant to address the following:

- A. Are any additional curb cuts being proposed?

Staff would like to point out that the cemetery will have approximately 1,250 feet of frontage and four pre-existing curb cuts on Lebanon Crittenden Road if the request is approved. The zoning regulations allow one curb per 500 feet of road frontage. Any proposal to add additional access point would require a Change in Non-Conforming Use or Variance application being approved by the Boone County Board of Adjustment.

- B. Are additional driveway aisles being proposed?

The existing driveway aisles have been constructed with concrete or blacktop and range between 10' and 20' wide. Future hard surface one-way driveways need to be 14' in width unless a Waiver is approved by the Zoning Administrator.

- C. Is any additional landscaping being proposed along any new driveway or along the sides and rear of the property?

- D. Are new grave sites being proposed along the newly acquired road frontage?

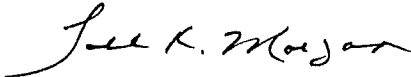
The existing grave sites range between 16' and 22.5' from Lebanon Crittenden Road's edge of pavement. Staff recommends that any future grave sites in the expansion areas should have similar setbacks.

2. Staff believes the proposed cemetery expansions are minor additions and will have no adverse impacts on adjoining property owners. The existing cemetery is well maintained and closes at sunset.
3. Staff would like to remind the applicant that a Site Plan application will need to be approved by the Boone County Planning Commission before the cemetery expands. The Planning Commission will be analyzing proposed/relocated curb cuts, driveways, storm water, grading, landscaping, and grave site limits to verify that they do not encroach into existing or future right-of-ways.
4. Staff recommends the following condition if the request is approved:
 - A. Four large/medium trees shall be planted along each of the side property lines to help define the property. The trees shall be at least 2 inches in caliper size at the time of planting and shall be spaced approximately 50' on center.

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 requests.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

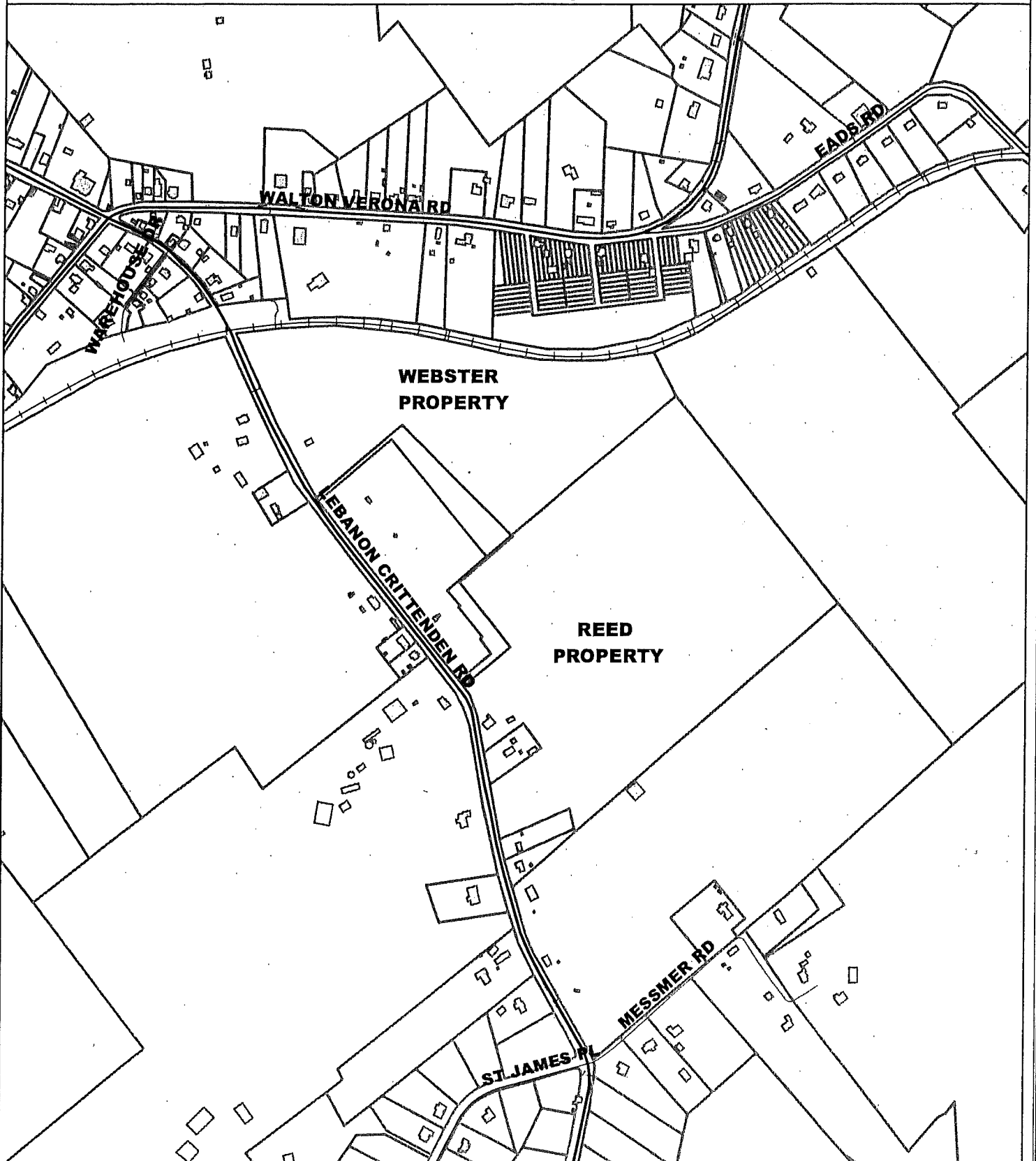
TKM/pr

Attachments

Site Vicinity Map
Survey Plats (not recorded)
Aerial Map
Zoning Map
Future Land Use Map
Topographical Map
Applications

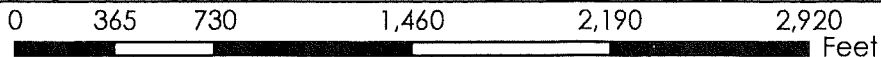
SITE VICINITY MAP

www.boonecountygis.com

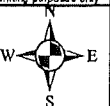


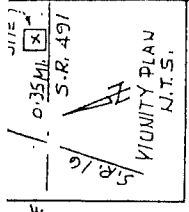
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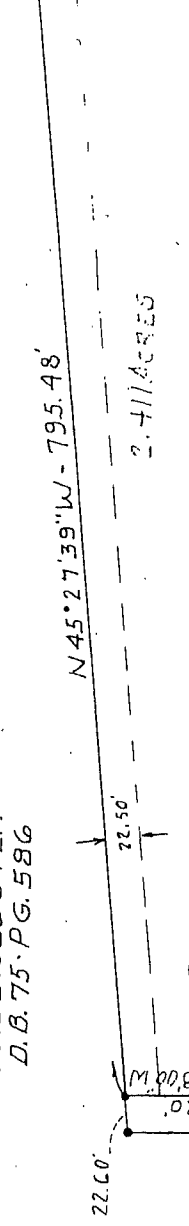
Boone County GIS - Putting Northern Kentucky on the Map





LEGEND:
 ○ PK NAIL FOUND
 ○ MAG NAIL SET
 ● I. PIN FOUND - LS499
 ● 1/2" x 1/8" REBAR SET
 ● W/CAP - LS499

HARRY S. REED EST.
 D.B. 130 - PG. 535



PARCEL 1 TO BE CONVEYED TO NEW BETHEL CEM.

NEW BETHEL CEMETERY

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED. I FURTHER CERTIFY THAT TITLE TO THE PROPERTY SHOWN HEREON WAS ACQUIRED BY DEED RECORDED IN DEED BOOK _____, PAGE _____ OF THE BOONE COUNTY CLERK'S OFFICE.

LAND SURVEYOR'S CERTIFICATE
 I certify that this plat depicts a survey made by Me in accordance with the Kentucky minimum Standards and complies with all requirements Of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including Public ways or streets are currently owned by The Property Owner.

NOTARY
 STATE OF _____
 COUNTY OF _____
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____
 NOTARY _____
 COMMISSION EXPIRES _____

DATE: _____ LAND SURVEYOR SIGNATURE _____

OWNER: _____

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this _____ day of _____, 2009.

CHAIRMAN _____ DATE _____

EXIST. 30' R/W
 TO KY. ST. RT. 491
 0 50 100 200 300
 0.35 MILE

I CERTIFY THAT I HAVE EXAMINED THE RECORDS OF THE BOONE COUNTY COURT CLERK AND FIND THAT THIS IS THE FIRST CONVEYANCE MADE UNDER THE PRESENT OWNERSHIP AND THE PARENT TRACT SINCE 1966 OR FROM ADOPTION OF KRS 100

DATE: _____
 GERALD G. CALDWELL - LS499

THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN 2 (TWO) YEARS OF PLANNING COMMISSION APPROVAL

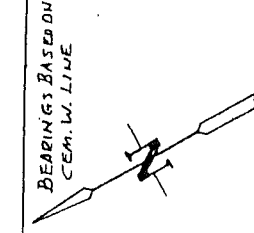
STATE OF KENTUCKY
 GERALD G. CALDWELL
 499
 LICENSED
 LAND SURVEYOR

NEW BETHEL CEMETERY ADDITION
 KY. ST. RT. 491 - VERONA, KY.
 SCALE: 1" = 100'
 LOCATED ON NE SIDE OF KY ST RT 491 APPROX 0.35 MI. SE OF RT. 16 - BOONE COUNTY, KY.
 DATE: 25 MAR 09

GERALD G. CALDWELL 212 - RIDGELEA DR
 MSP-924-5871 WILLIAMSTOWN, KY 41087
 DPWG.
 09-044

BEARINGS BASED ON CEM. W. LINE

9/0.35 MI. X
S.R. 491
VICINITY PLAN N.T.S.



I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED. I FURTHER CERTIFY THAT TITLE TO THE PROPERTY SHOWN HEREON WAS ACQUIRED BY DEED RECORDED IN DEED BOOK _____, PAGE _____ OF THE BOONE COUNTY CLERK'S OFFICE.

I CERTIFY THAT I HAVE EXAMINED THE RECORDS OF THE BOONE COUNTY COURT CLERK AND FIND THAT THIS IS THE FIRST CONVEYANCE MADE UNDER THE PRESENT OWNERSHIP AND THE PARENT TRACT SINCE 1966 OR FROM ADOPTION OF KRS 100

DATE: 9 APR 09
Gerald G. Caldwell
 GERALD G. CALDWELL - LS499

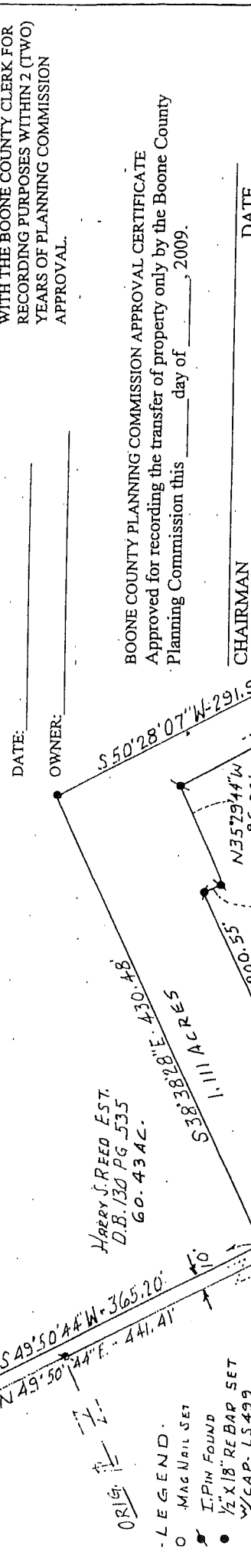
THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN 2 (TWO) YEARS OF PLANNING COMMISSION APPROVAL.

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this _____ day of _____, 2009.

CHAIRMAN _____ DATE _____

NOTARY STATE OF _____ COUNTY OF _____ THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ NOTARY COMMISSION EXPIRES _____

NEW BETHEL CEMETERY ADDITION
 KY. ST. 491 - VERONA, KY.
 LOCATED ON NE SIDE OF ST. RT. 491 APPROX. 0.35 MI. SE OF IRT. 16 - BOONE CO., KY.
 REVISION: _____
 SCALE: 1" = 100' DATE: 25 MAR 09
 DRWG. 09-04-2
 GERALD G. CALDWELL 212 - RIDGELEA DR
 859-824-5871 WILLIAMSTOWN, KY 41097



PAUL WEBSTER
 D.B. 75 - PG 586

HARRY S. REED EST.
 D.B. 130 PG. 535
 60.43 AC.

LEGEND:
 O MAG NAIL SET
 I PIN FOUND
 ● 1/2 X 18\"/>

STATE OF KENTUCKY
 GERALD G. CALDWELL
 499
 LICENSED
 LAND SURVEYOR

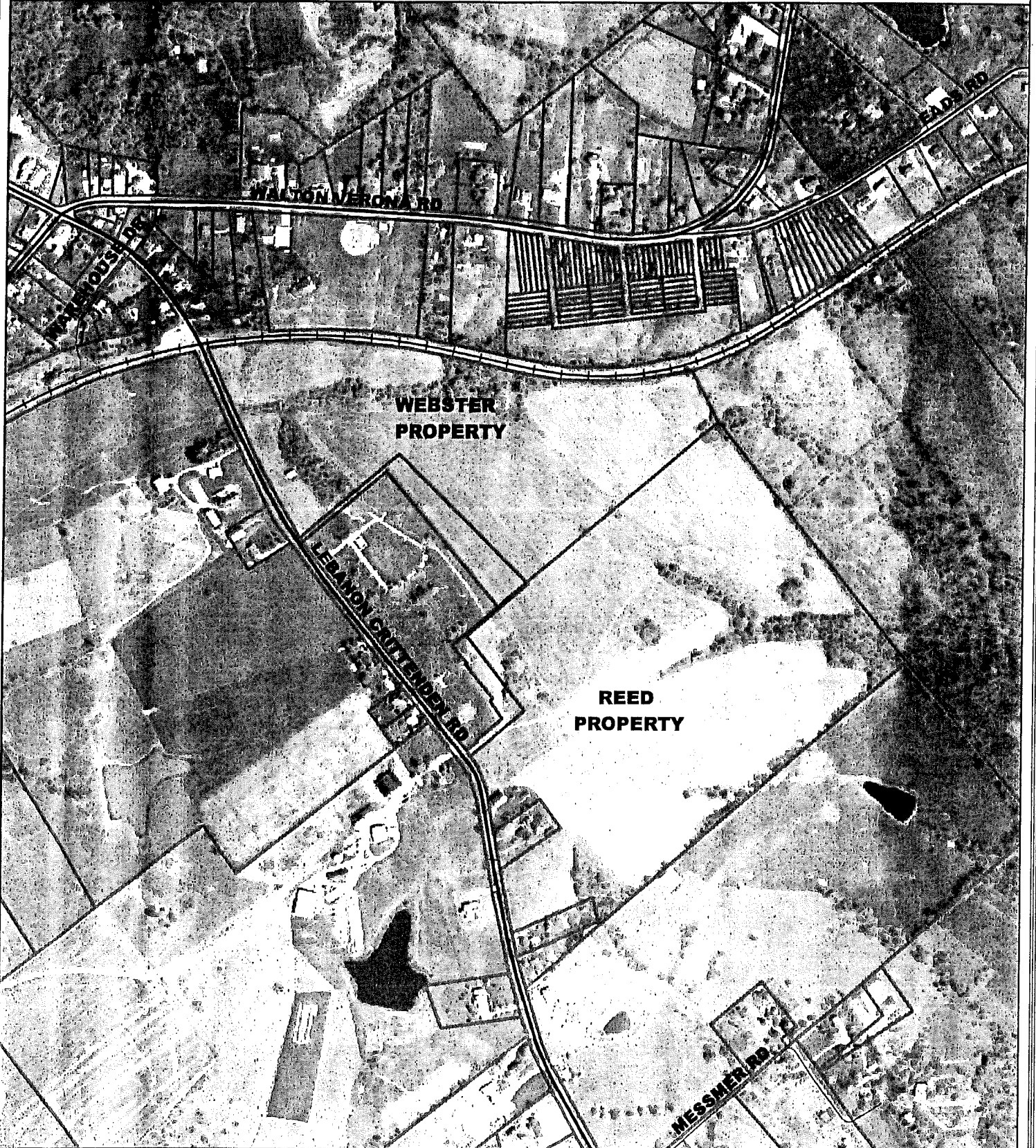
LAND SURVEYOR'S CERTIFICATE
 I certify that this plat depicts a survey made by me in accordance with the Kentucky minimum Standards and complies with all requirements Of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including Public ways or streets are currently owned by The Property Owner.

9 APR 09
 DATE: _____
Gerald G. Caldwell
 LAND SURVEYOR SIGNATURE

GRAPHIC SCALE
 0 50 100 200 300

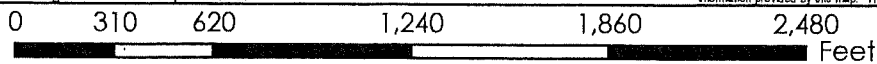
AERIAL MAP

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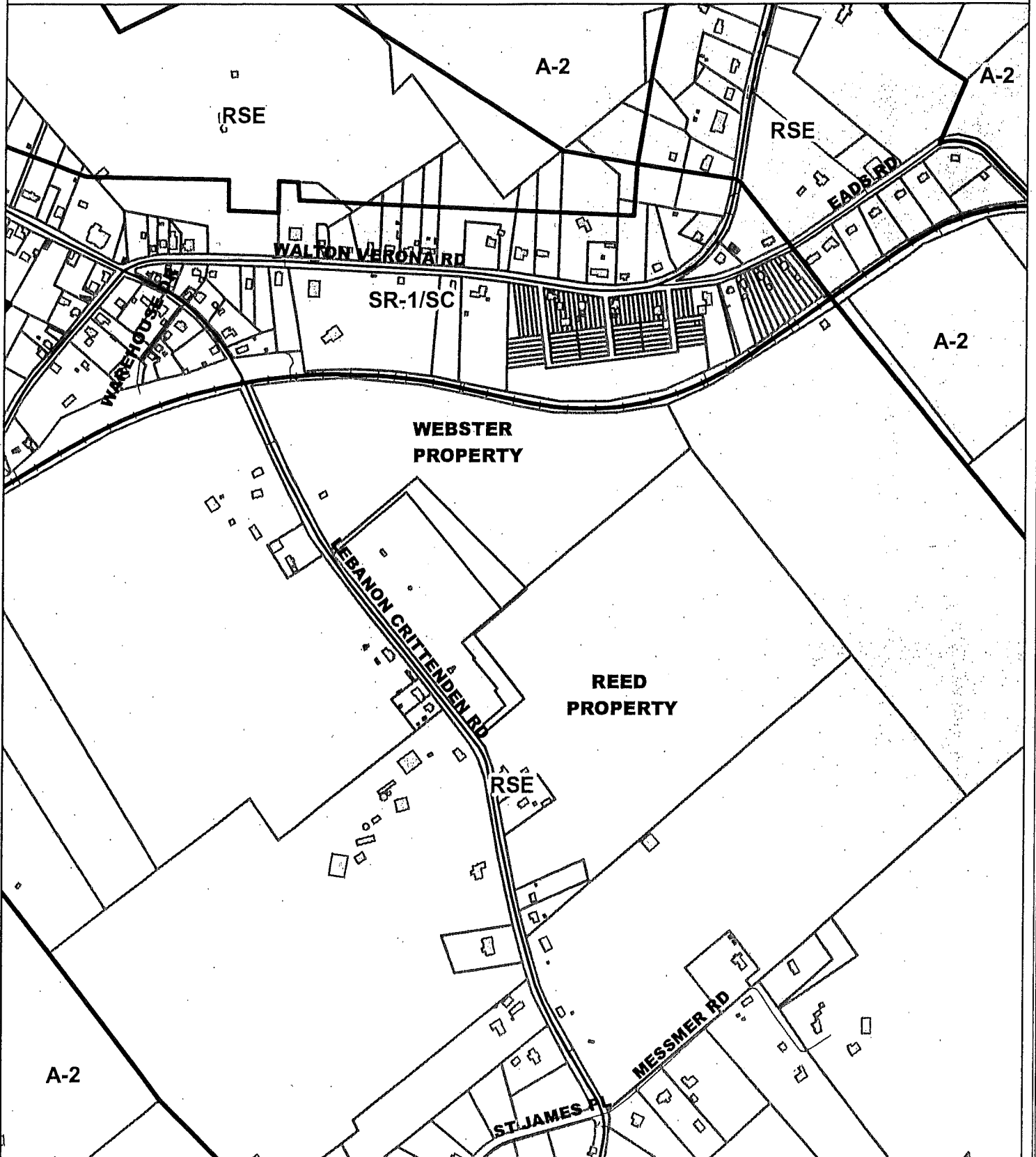
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Boone County GIS - Putting Northern Kentucky on the Map

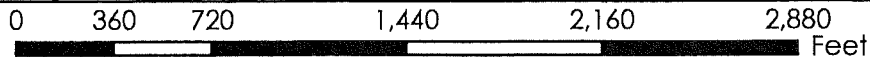
ZONING MAP

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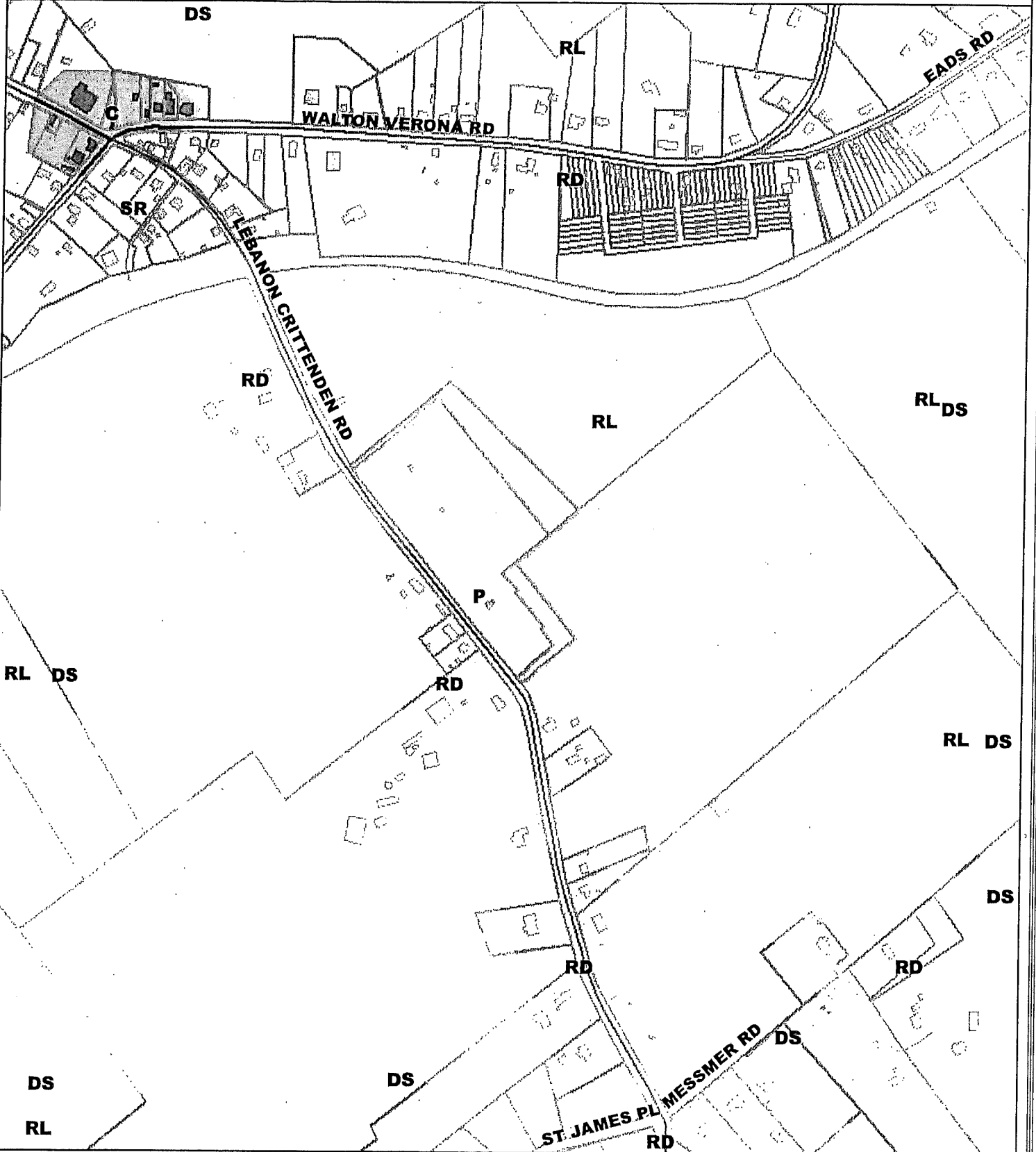
1 inch = 700 feet



Boone County GIS - Putting Northern Kentucky on the Map

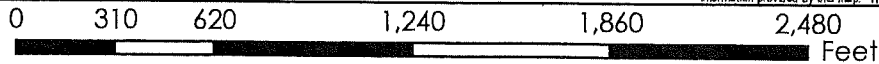
FUTURE LAND USE MAP

www.boonecountygis.com



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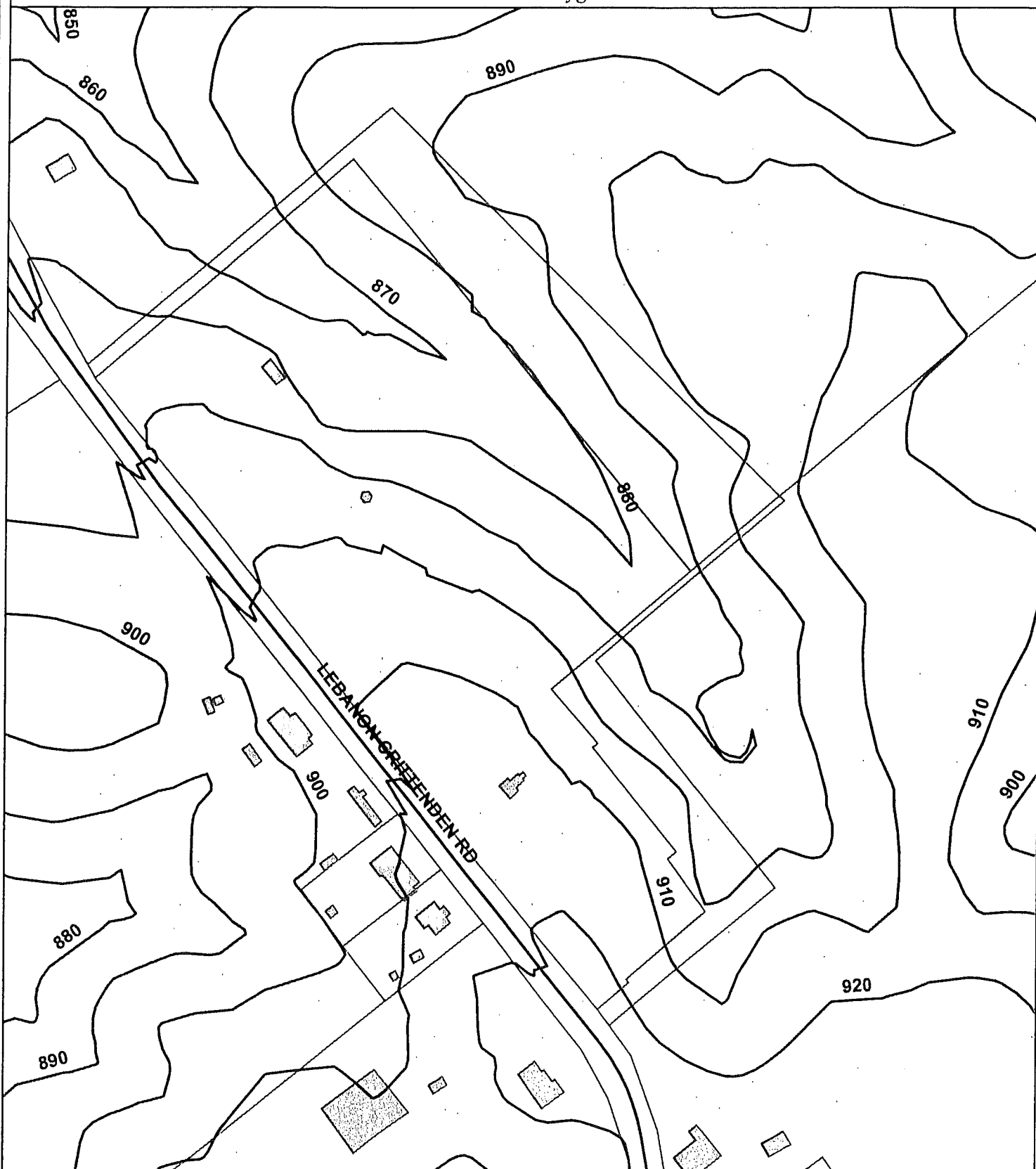
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Boone County GIS - Putting Northern Kentucky on the Map

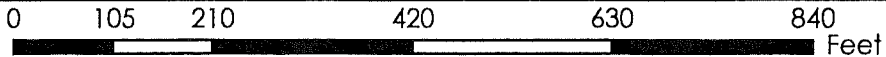
TOPOGRAPHICAL MAP

www.boonecountygis.com



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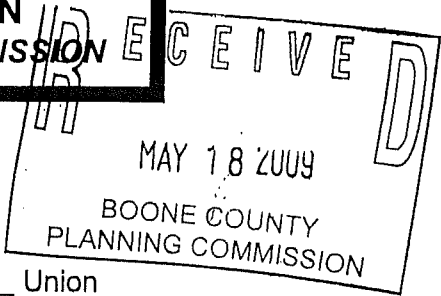
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

From: Plan & GIS/boone/boone-01-01-2008
ArcMap Document: *.mxd

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)

(Check One)

1. Boone Florence Walton Union

(Check One)

2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant's Name New Bethel Cemetery Corporation / PAUL WEBSTER
Phone Number 485-6273 Fax No. 485-1122
Applicant's Address 9135 Hwy 16
VERONA KENTUCKY 41094
City State Zip

4. Description of Request: Conditional Use Permit Request to

utilize adjoining property for cemetery.

5. Name of Development _____

6. Location of Development _____

7. Acreage Under Review 2.7/6 ACRES

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

9. Owner of Property Paul Webster

- Address of Property Owner 9135 Hwy 16 Phone No. _____

10. VERONA KENTUCKY 41094
City State Zip

11. Proposed Use(s) on Site CEMETERY

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

13. Current Zoning on Property RSE

14. ~~Map~~ Book 63 Page No. 138 Group No. 2089

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

If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? _____

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.

ORIGINAL Property Owner's Signature: Paul Webster
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: J. F. Felner, Attorney
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
MAY 18 2009
BOONE COUNTY
PLANNING COMMISSION

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

(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

2. Conditional Use Permit _____ Variance _____ Appeal _____

3. Change in Non-Conforming Use _____

3. Applicant's Name NEW BETHEL CEMETERY CORPORATION / HARRY REED ESTATE

Phone Number 485-6283 Fax No. 485-1122

Applicant's Address
VERONA KENTUCKY 41092
City State Zip

4. Description of Request: Conditional Use Permit Request to

utilize adjoining property for cemetery.

5. Name of Development _____

6. Location of Development _____

7. Acreage Under Review 1.111 ACRES

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

9. Owner of Property HARRY REED ESTATE

Address of Property Owner 15378 LEBANON-CRITTENDEN Phone No. _____

10. VERONA KENTUCKY 41092
City State Zip

11. Proposed Use(s) on Site _____

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

13. Current Zoning on Property RSE

14. Deed Book 189 Page No. 197 Group No. 2089

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

If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? _____

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.

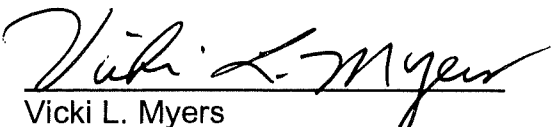
ORIGINAL Property Owner's Signature: Victoria Hicks, Executor
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: J. F. Fulmer, Attorney
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COMMONWEALTH OF KENTUCKY

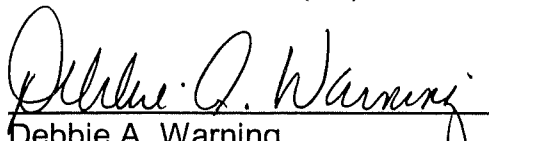
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 11 day of June, 2009.


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 Permits (2) approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of June 10, 2009 Certificate of Land Use Restriction (#09-BCBOA-008-A), for Paul Webster and Harry Reed Estate, Property Owner(s).

The following conditions will apply:

No conditions.

The approved Conditional Use Permits (2) as well as the preceding conditions apply to the property described in:

DEED BOOKS & PAGE NOS. 63/138, 189/197 GROUP NO. 2089