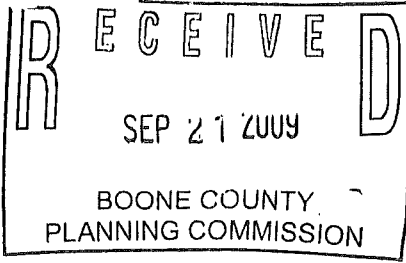


APPLICATION FORM



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 _____
3. Applicant's Name MARY ENGLAND Phone Number 559-384-4516 Fax No. Applicant's Address 10456 Big Bone Rd Union Ky 4091
4. Description of Request: Dog Grooming Bus.
5. Name of Development
6. Location of Development
7. Acreage Under Review 6.5
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property DAVID ENGLAND Address of Property Owner 10456 Big Bone Rd Union Ky 4091 Phone No. 559-384-4516
10. City State Zip
11. Proposed Use(s) on Site Dog Grooming Business
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property A-Z
14. Deed Book 248 Page No. 95 Group No. 2055
15. Is the site subject to a zone change? no
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: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 9-21-09 Fee Received \$ 732.⁰⁰ R59484
2. Is application complete? Yes No
3. Staff Reviewer 1
4. Scheduled Board Action Date _____
5. Board Action:
10/14/09 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 10/14/09 BCBOA MEETING MINUTES
AND C.C.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 - 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: Mary England
LOCATION: 10456 Big Bone Road, Boone County, Kentucky
ZONING: Agricultural Estate (A-2)
DATE: October 14, 2009

Proposal

The applicant is requesting a Conditional Use Permit so she can operate a dog grooming business out of her residence and barn. A letter was submitted indicating that the applicant will not hire any employees or sell any products and that no more than three dogs will be on the site at any given time (see attachments).

Site Characteristics

The approximate 6.5 acre tract contains a single-family residential dwelling, barn, and two other storage buildings. Access to the house and accessory structures is provided from an approximate 11' wide gravel driveway that connects to Big Bone Road. The driveway is approximately 875' long before it branches off to the household and accessory structures. The topography of the property falls from approximately 850' above sea level at the house to 820' above sea level at the driveway. The eastern property line is heavily wooded with mature deciduous trees.

Applicable Regulations

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit applications.

Section 623 of the Zoning Regulations lists "commercial kennels" as a conditional use in the Agricultural Estate (A-2) zoning district if the property is at least 5 acres in area.

Section 4000 of the Zoning Regulations defines a kennel as a facility in which four or more domesticated animals greater than four months of age are maintained for commercial purposes. Commercial purposes can include the grooming, breeding, and boarding of domesticated animals.

Sections 3314 and 3323 of the Zoning Regulations states that all commercial driveways shall be 20' wide to accommodate two-way traffic and shall be constructed with asphalt concrete or portland cement concrete to provide a durable dust free surface.

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

Findings listed in Section 262:

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 commercial kennels and dog grooming (minimum 5 acres) 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; 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 Plan" designates the site in question as Rural Density Residential (RD). This designation is described as "low density residential uses of up to one dwelling unit per acre."

The following Goals and Objectives relate to the application:

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

Staff Comments

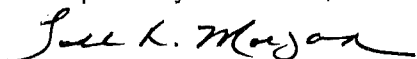
1. The property owners own the adjoining properties to the south, east, and west.
2. Staff has the following questions for the applicant:

- A. How many dogs will be groomed on a typical day?
 - B. Will customers bring their dogs to the property or will they be picked up?
 - C. Will any dogs be boarded for the night?
3. The Zoning Regulations state that all commercial driveways shall be 20' wide and shall be constructed with a hard surface to accommodate two-way traffic. The existing gravel driveway is 11' wide and 875' long before it turns off to the house and accessory structures. The Zoning Administrator has indicated that he will grant Waivers for the driveway width and surface type if the Board grants the Conditional Use Permit request. The Waivers will be approved on the basis that the business as outlined is a low traffic generator and that there are grass shoulders which allow vehicles to pass one another.
 4. The Zoning Regulations and Federal law require all commercial businesses to provide handicapped parking. As a result, one handicapped stall will be required if customers will pick-up or drop off their dogs. The handicapped parking stall and accessible route will be reviewed through the Minor Site Plan process. The Boone County Building Department will also review the handicapped accessible routes to the buildings.
 5. Staff recommends that the following conditions should be imposed on the approval:
 - A. No more than 5 dogs shall be groomed on the property on any given day.
 - B. There will be no commercial boarding of animals on the property.

Conclusion

K.R.S. 100.237 and Section 220 of the Boone County Zoning Regulations and gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Letter from Applicant
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *Future Land Use Map
- *Application

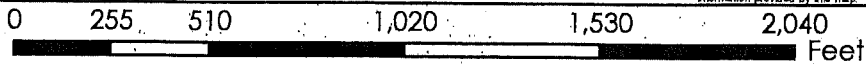
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

To Boone County Planning Commission
2590 Washington Street, room 317
P.O. Box 958
Burlington, Kentucky 41005

From David and Mary England
10456 Big Bone Road
Union, Kentucky 41091

Re: Application for Conditional Use Permit.

We are applying for a conditional use permit to operate a dog grooming salon at our resident of 10456 Big Bone Road, Union, Kentucky 41091.

The business will be utilizing an existing area of my home and barn with no exterior changes.

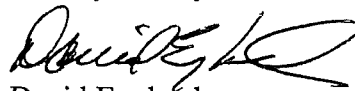
Impact on neighboring property owners will not be an issue as service is provided indoors, and no more than three dogs will be on sight at any one time. Animals are kept in small portable indoor cages.

Our home is at least five hundred feet from neighboring homes and Big Bone Road.

My wife, Mary England is a certified groomer and will be the sole service provider. We will have no employees and are not offering any retail products for sale.

I believe the size and scope of this small business will be a good fit in our community and should have no adverse effects while providing a valuable service.

Thank you for your consideration.



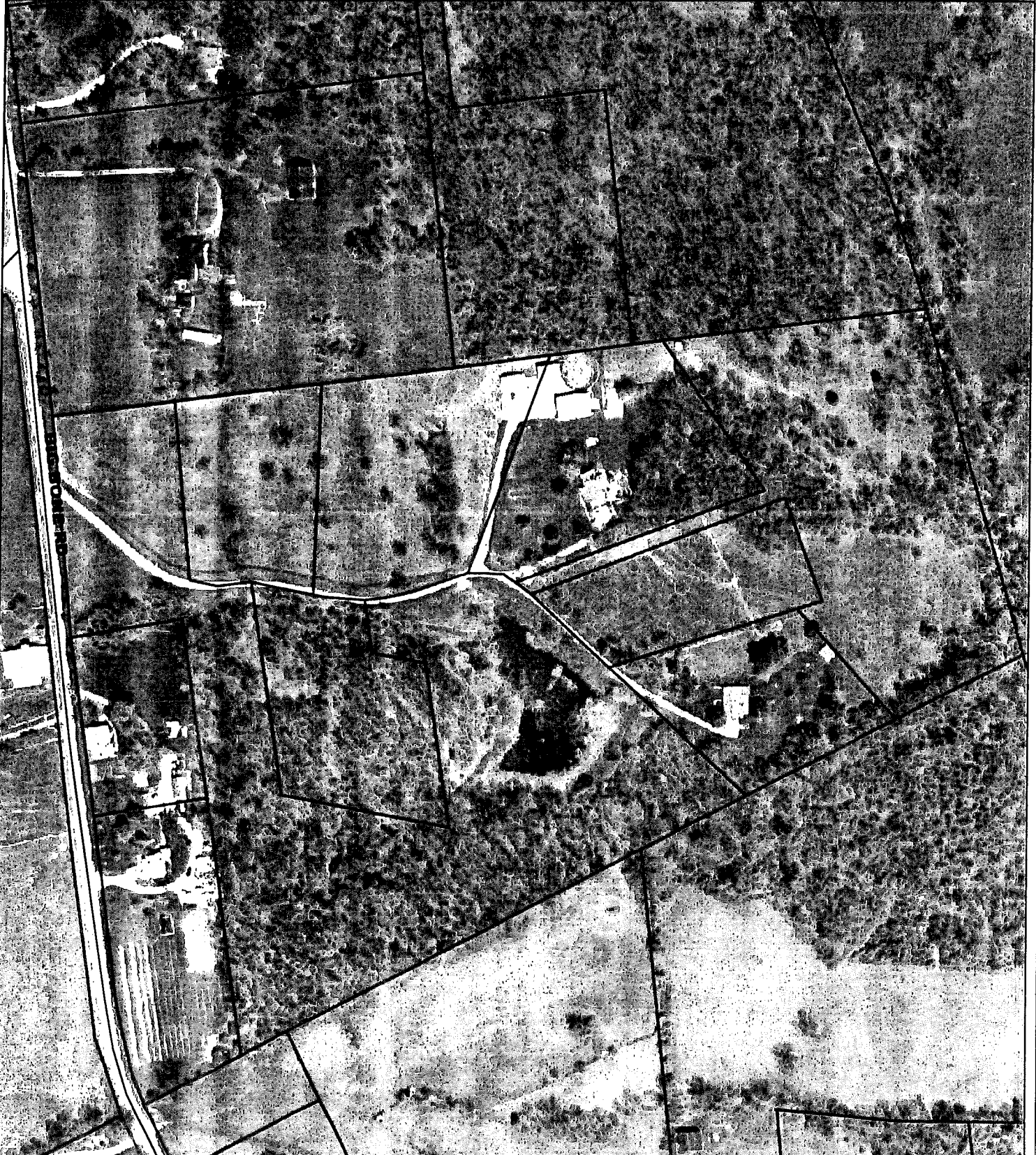
David England



Mary England

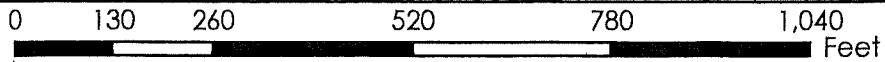
2007 AERIAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map



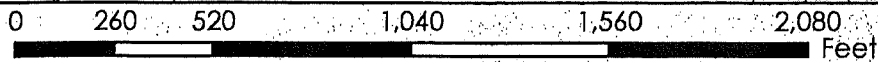
ZONING MAP

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1 Inch = 500 feet

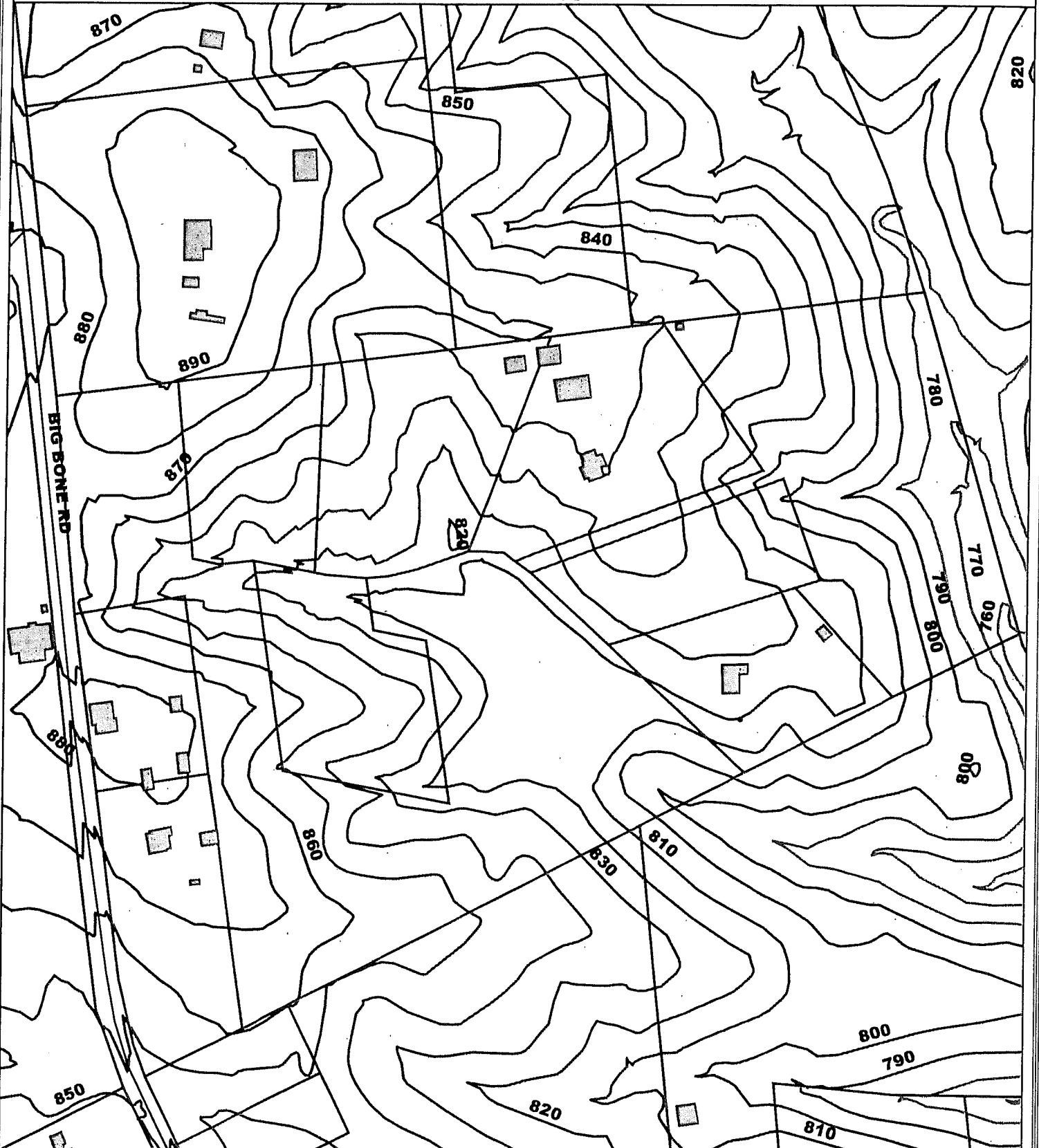


Boone County GIS - Putting Northern Kentucky on the Map



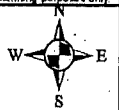
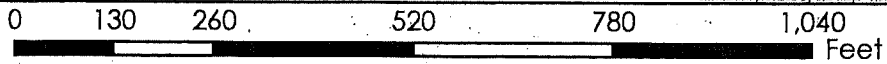
TOPOGRAPHICAL MAP

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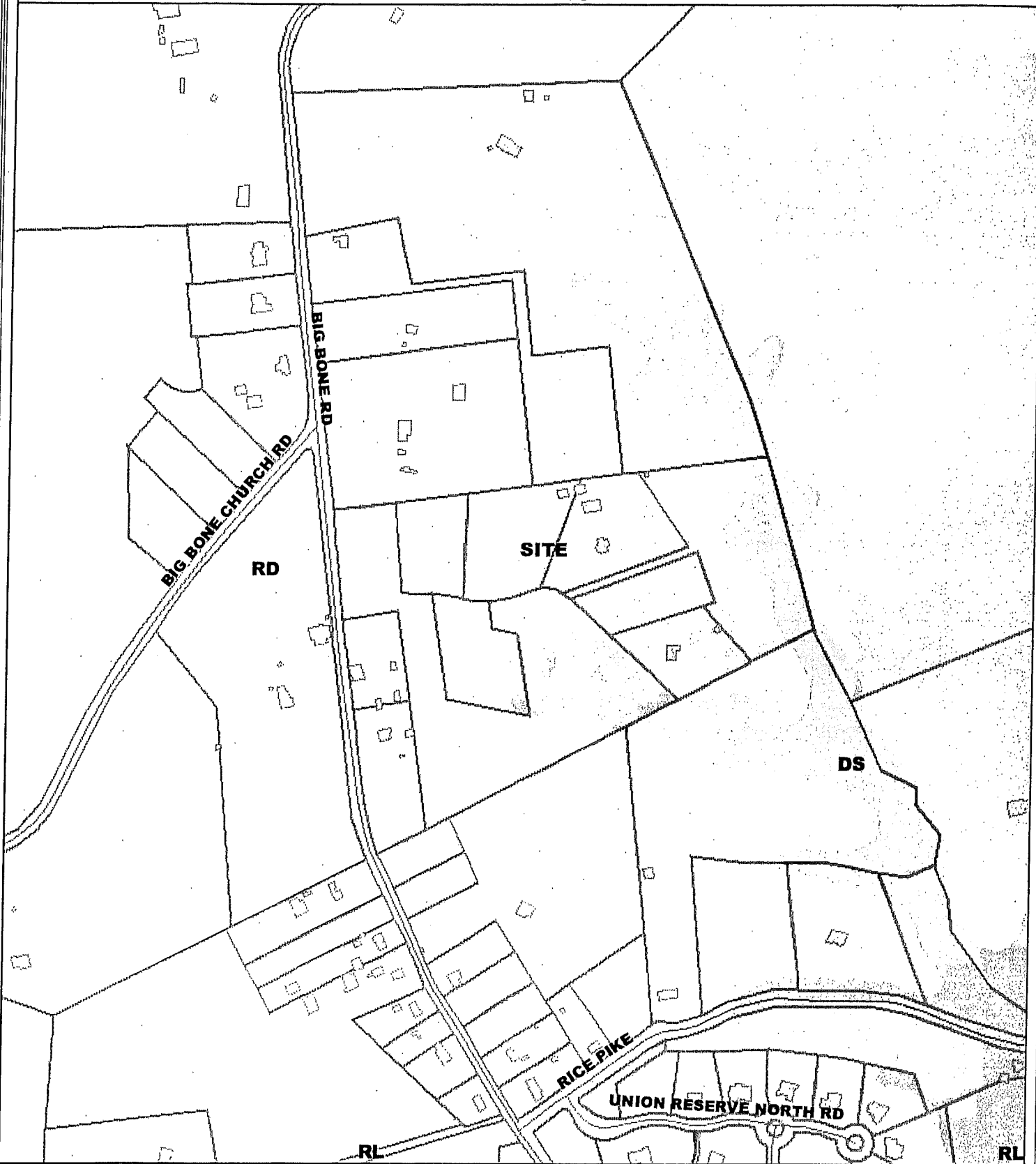
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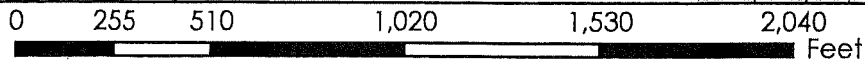
FUTURE LAND USE MAP

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Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

RECEIVED
SEP 21 2009
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)

(Check One)

- 1. Boone Florence Walton Union

(Check One)

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

- 3. Applicant's Name MARY ENGLAND
Phone Number 859-384-4516 Fax No. _____
Applicant's Address 10456 Big Bone Rd
UNION KY 41091
City State Zip

- 4. Description of Request: DOG GROOMING BUS.

SEE ATTACHED LETTER

- 5. Name of Development _____
- 6. Location of Development _____

- 7. Acreage Under Review 6.5
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____

- 9. Owner of Property DAVID ENGLAND
Address of Property Owner 10456 Big Bone Rd Phone No. 859-384-4516
UNION KY 41091
City State Zip

- 11. Proposed Use(s) on Site DOG GROOMING BUSINESS

- 12. Total Square Footage of Existing and/or Proposed Buildings _____

- 13. Current Zoning on Property AZ

- 14. Deed Book 248 Page No. 95 Group No. 2055

- 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? _____

- 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: David England
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Mary England
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #09-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

David England
10456 Big Bone Road
Union, KY 41091

2. ADDRESS OF PROPERTY

10456 Big Bone Road
Union, KY 41091

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

4. DEED BOOK 248

PAGE NO. 95

GROUP NO. 2055

5. TYPE OF RESTRICTION(S) (Check all that apply)

___ Zoning Map Amendment:
From ___ To

X Conditional Use Permit

___ Development Plan

___ Conditional Zoning

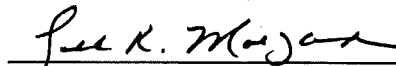
___ Subdivision Plat
(Not Recorded)

___ 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



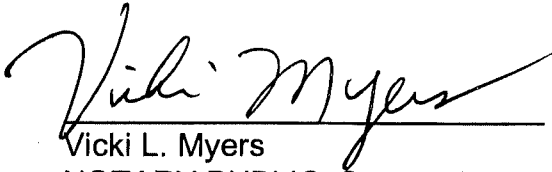
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

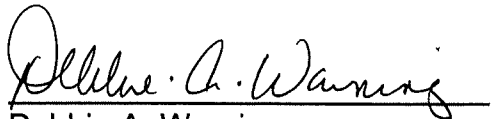
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 23 day of October, 2009.



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 Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 14, 2009 Certificate of Land Use Restriction (#09-BCBOA-010-A), for David England, Property Owner(s).

The following conditions will apply:

- 1) No more than 5 dogs shall be groomed on the property on any given day.
- 2) There will be no commercial boarding of animals on the property.

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

DEED BOOK 248 PAGE NO. 95 GROUP NO. 2055