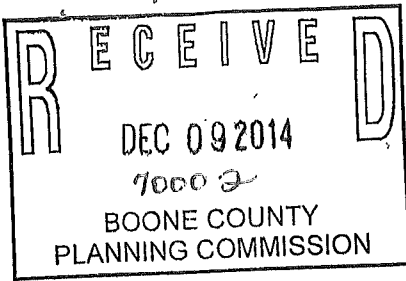


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Colette Restaino
Applicant's Address 6785 East Bend Rd Burlington KY 41005
4. Phone Number 859-250-1686 Fax No. \_\_\_\_\_ E-Mail Coletterest@yahoo.com
Description of Request: Horse Riding Stable
5. Name of Development Emerald Pine Stables
6. Location of Development 6785 East Bend Rd Burlington KY 41005
7. Acreage Under Review 9.01 AC
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Gerard Restaino
Address of Property Owner 1846 The Hideout Lake Ariel PA 18436
10. City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
Phone Number (732) 887-3398 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
11. Proposed Use(s) on Site Horse riding / Boarding
12. Total Square Footage of Existing and/or Proposed Buildings 60x120; 40x48; 40x64
13. Current Zoning on Property RSE
14. Deed Book D971 Page No. 641 Group No. 2029
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 - Existing Structures
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.

Feggy Jones 6835 East Bend Burlington KY 41005 859-586-9055
Peggy Jones

ORIGINAL Property Owner's Signature: Gerard Restaino
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)
ORIGINAL Applicant's Signature: Colette Restaino
(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 12/9/14 Fee Received \$782<sup>00</sup> Receipt # 70002
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
1/14/15 **Approved**  
**Approved with Conditions (See #6)**  
**Denial (See #7)**
6. Conditions of Approval: SEE 1/14/15 Meeting Minutes  
AND CLUR
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: Colette Restaino  
BUSINESS LOCATION: 6785 East Bend Road, Boone County, Kentucky  
SECONDARY ACCESS: 6835 and 6847 East Bend Road, Boone County, Kentucky  
ZONING: Rural Suburban Estates (RSE)  
DATE: January 14, 2015

Proposal

The Applicant is requesting a Conditional Use Permit to operate a horse boarding and riding lesson business at 6785 East Bend Road. The applicant has supplied a letter which outlines the operation. Key passages from the letter include the followings:

- The farm has the capacity to accommodate roughly 20 horses.
- They offer indoor and outdoor riding arenas for year round practice.
- Horse stalls are cleaned every day. Manure is dumped onto an enclosed concrete slab. Approximately every 2 days the manure is put into a dumpster. The dumpster is emptied by Rumpke twice a week.
- The manure in the "dry lot" (paddock with no grass) is scraped away 2 to 4 times a month as weather permits. A local farmer hauls this manure away.
- The smaller all weather paddocks are cleaned daily.
- Traffic is routed in one driveway and out the other.
- The gravel parking lot can accommodate 16 cars and another 12 to 14 can park alongside the indoor riding arena
- Riding lessons vary from 45 minutes to an hour. Lessons contain 1 to 4 students.
- Lesson can occur on Mondays, Wednesdays, and Thursdays usually from 3:30 to 8:00 PM and on Saturdays from 11:00 AM to 4:30 PM.
- Approximately 15 to 24 individuals receive lessons each week. These lessons occur in 8 to 10 group lessons, which are spread out over 4 days.
- A portable toilet is located on the property for visitors.
- They are looking into a way to water the outdoor riding arena so it will not cause dust issues for the neighbors.
- They plan on holding spring and fall recitals on the property for those students that are not ready to participate in horse shows. These events allows students to show off their skills to families and friends and be subject to judging. Students are staggered in and out of the farm based on their abilities. To date, their parking has been adequate.

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.

The Board needs to evaluate the request as it relates to Conditional Use Permit criteria as listed 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 commercial kennels and boarding stables as a conditional use in the RSE district provided:

- 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.

#### Relationship to the Comprehensive Plan

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site in question for Suburban Residential and Rural Density Residential uses. These designations are described as follows:

Suburban Residential (SR) - single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision.

Rural Density Residential (RS) - Low density residential uses of up to one dwelling unit per acre.

The land use element makes the following statement regarding the general 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. The small community of Waterloo may receive some limited residential growth as a result of growth in the Belleview and Burlington areas. (East Bend Road Area, pg. 183).

The following Goals and Objectives relate to the request:

- A. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal)
- B. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).

#### Site Characteristics

The approximate 9.1 acre site is located on the west side of East Bend Road and has approximately 585 feet of road frontage. The property contains a single-family residential dwelling, two barns, indoor riding arena (60' x 120'), outdoor riding arena (200' x 100'), horse paddocks, and a gravel parking lot. Access to the site is provided from two access points on East Bend Road. The ingress driveway is approximately 10' feet wide and is located in close proximity to the northern property line. The first 300' +/- of the driveway is concrete and transitions to gravel. The gravel driveway extends to the southern property line and continues onto two adjoining properties. Egress from the site is provided from a shared gravel driveway (approximately 10' wide) on the Jones and Cicci properties. Boone County GIS shows that the topography of the site is 870 feet above sea level near the barns and riding arenas and falls to 840 feet above sea level at the ingress point and 820 feet above sea level along the rear property line.

#### Surrounding Land Uses and Zoning

North: Single-Family Residential Dwellings Fronting on Emerald Drive (RSE and A-2)

South: Single-Family Residential Dwelling (RSE) and 138 Acre Farm (RSE & A-2) Fronting on East Bend Road

East: East Bend Road, Single-Family Residential Dwellings and Farms (RSE)

West: 138 Acre Farm Fronting on East Bend Road (RSE & A-2)

#### Staff Comments

1. Egress from the site is provided from the Jones and Cicci properties. Both of these property owners signed off on the Conditional Use Permit application (see attachments).
2. In 2005, the definition of an agricultural use was changed in the Kentucky Revised Statutes. The definition includes tracts of least five contiguous acres used for the following activities involving horses:

- Riding lessons;
- Rides;
- Training;
- Projects for educational purposes;
- Boarding or related care; or
- Shows, competitions, and similar activities that are associated with youth and amateur programs with 70 or less participants.

However, the statute also states that such as use may be subject to regulation as a conditional use. Section 913 of the Boone County Zoning Regulations permits commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) as a conditional use within the Rural Suburban Estates (RSE) district.

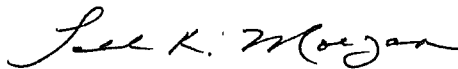
2. On January 21, 2010, Boone County Planning Commission issued a zoning permit to allow the construction a 60' x 120' x 16' foot pole barn on the subject site. At that time, Staff's understanding was that the building was not going to be used for commercial purposes.
3. Staff would like the applicant to address the following questions:
  - A. How many horses are currently on the property?
  - B. How many horses could be located on the property (family horses vs. boarders)?
  - C. Approximately how many participants take part in the recitals?
  - D. Is a bullhorn or other speaker being used to communicate with the riders on the outdoor riding arena?
  - E. Could sprinklers or an irrigation system be used to minimize dust impacts from the outdoor riding arena?
  - F. Could a row of columnar evergreen trees be installed along the northern boundary of the outdoor riding arena?
  - G. Could the outdoor riding arena be relocated to the western portion of the property?
4. Site Plan Review is not required because the use is an agricultural use as defined by the Kentucky Revised Statutes. However, Site Plan review could be required if the Board makes it a condition of approval. The requirement of Site Plan approval would require the site to be in conformance with the handicapped accessible parking requirements found in the Zoning Regulations. Other than the handicapped space, the Zoning Administrator has indicated that he will Waive the hard surface parking requirements and 14' driveway width standards. Access to the farm is provided from a one-way driveway loop and hard surface parking is not customary on horse farms.
5. Staff recommends the following conditions if the request is approved:
  - A. When warranted, sprinklers or an irrigation system shall be used on the outdoor riding arena to minimize dust impacts on the adjoining property owners.
  - B. A row of Arborvitae trees (or other columnar evergreen trees) shall be installed along the northern boundary of the outdoor riding arena by 10/31/15. The trees shall be spaced a maximum of 10 feet apart and shall be at least 6' tall at planting.

- C. A Minor Site Plan shall be submitted and approved by Boone County Planning Commission. The Site Plan shall address the installation of a handicapped accessible parking space by the indoor riding arena and any required landscaping.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/tlb

Attachments

- \*Site Vicinity Map
- \*Letter From Gerald F. Dusing
- \*Letter From Applicant
- \*2012 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*Zoning Permit
- \*1/21/10 Zoning Permit
- \*Notarized Signatures of Peggy Jones and Samuel Cicci
- \*Application

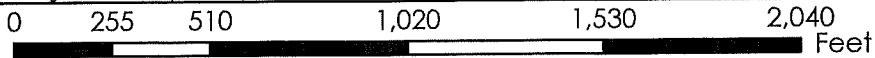
# SITE VICINITY MAP

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 = 500 feet



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

Map Created: 07/01/2013

Boone County GIS  
ArcMap Document: BooneMap (Site).mxd

To: Boone County Board of Adjustment  
C/o: Todd K. Morgan, AICP

Re: Restaino/Emerald Pine Stables

## INTRODUCTION

A horse riding stable is a listed permitted conditional use in the Boone County Zoning Ordinance (BCZO) in the Residential Suburban Estates (RSE) zone at Article 9, Section 913: "Horse related uses, including riding and boarding stables, as defined by KRS 100.111(2) (c).

KRS 100.111(2) (c) defines "A tract of land of at least five (5) contiguous acres used for the following activities involving horses: 1. Riding lessons, 2. Rides, 3. Training, 4. Projects for educational purposes, 5. Boarding and related care."

That is exactly what Emerald Pine Stables is and does. It meets all of the BCZO standards for a conditional use in the RSE zone.

## PROOF

Emerald Pine Stables is a farm two miles from "downtown" Burlington, on the edge of the RSE zone and adjacent to an agricultural zone (A-2).

Emerald Pine Stables easily meets the criteria for the listed permitted conditional use in the RSE zone. To put this application in perspective, the RSE zone lists as permitted uses as a matter of right (not requiring a conditional use permit) several agricultural uses, including:

"Farms and ranches of dairy production, livestock, including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls;"

So, to put this application in perspective, this low key riding lessons stable is far less obtrusive to a neighbor than a hog, sheep or goat farm as is allowed without Board of Adjustment approval.

Emerald Pine Stables is a 10 acre horse sanctuary. It has an indoor arena and outdoor riding lessons area. It has boarded horses for many years prior to the Restainos purchasing the property in 2009. They greatly improved the property with the indoor arena and outdoor lessons area.

Currently 30 students take weekly horseback riding lessons. The lessons are from one (1) at time (private lesson) to four (4) at a time. Each lesson is 45 minutes to an hour. Students arrive 15 minutes before and depart 15 minutes after a lesson for prep and clean-up. So arrivals and departures are staggered. No more than a few cars go in and out at one time. This allows for plenty of parking and no stacking or in-out interference issues with the driveway. Ingress and egress is a “one-way” loop at two separate points at the east and west of the farm. Weekday lessons are spaced 3:30 to 7:30 pm with sometimes a few scattered during daytime hours. Saturday lessons are sporadic 10:00 am to 5:30 pm.

Barn/stall capacity is 20 horses. Nearly all are owned by Ms. Restaino. Six (6) are retired. Some are too young or are brood mares and are not ridden. Three (3) board at this time.

There are two annual appreciation “Horse Shows” at the farm. These are only open to the riding lesson students of Emerald Pine Stables. No horses or trailers are brought in for these events. Parents and participants have topped at about 50 people. These clients are familiar with parking and going in and out procedures, which is “one way” ingress and egress via a loop using existing “in” and “exit” spots at East Bend Road. The event is basically a demonstration for the students to show off their skills to their parents and grandparents – like a piano recital. It is scheduled for the spring and fall.

A more detailed description of the activities of Emerald Pine Stables is summarized by the applicant which is attached.

The general standards for a conditional use permit appear at Section 262 of the BCZO. (paraphrased in bold). Emerald Pine Stables meets those standards as follows:

**1. Will be harmonious with the zoning order.**

A riding lesson stable for young people is certainly harmonious with several agricultural permitted uses in the RSE zone.

**2. Will be designed, constructed, operated and maintained to be harmonious... with the general vicinity.**

Emerald Pine Stables activity is harmonious with the rural character of this area of East Bend Road and adjacent farms.

**3. Will not be hazardous to neighboring uses.**

There are no hazardous materials, processes or activities.

**4. Will be served adequately by essential public facilities...**

All essential public facilities are available: public water, state highway, refuse disposal, etc.

**5. Will not create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community.**

No additional public costs or facilities are required. The current activities have been ongoing for years.

**6. Will not involve excessive production of traffic, noise, smoke, dust, fumes, glare or odors.**

An adjacent property owner has recently (only since this application was filed) complained of occasional dust.

The applicant is in the process of arranging for installation of a dust control process using the public water supply at its entrance on East Bend Road. The applicant is agreeable to installing and using the system as a condition of the conditional use permit.

**7. Will have vehicular approaches that do not create interference with traffic or public through faces.**

Traffic is de minuses and has never been a problem. Ingress and egress is more than adequate. It is by way of a loop so cars and trailers do not have to pass.

In addition, the RSE zone has guidelines (in bold) for its listed permitted conditional uses at page 9.2 of the BCZO.

**a) The activity is an integral and subordinate function of a permitted agricultural, recreational, or residential use.**

The activity of riding lessons to young people is an integral (connected) function of a horse boarding facility that is defined as an "agricultural use" by Kentucky Revised Statutes 100.111 (2)(c).

**b) The activity will not contradict the semi-suburban, open space character of the district.**

In fact, it enhances the open space character of the vicinity and is located between farms and semi-suburban areas.

**c) Require or contribute to infrastructure needs above what is common in the district.**

No additional public infrastructure is needed.

**d) Is of direct relation to and support of the purpose of the district.**

As stated above, a horse riding stable providing lessons for young people is entirely compatible with the permitted agricultural uses as a matter of right in the RSE zone.

**e) The arrangement of uses, buildings or structures be compatible with the organization of permitted and accessory uses to be protected in the district.**

Again, the horse riding lessons activity is compatible with the large variety of listed permitted agricultural uses in the RSE zone.

## CONCLUSION

Emerald Pine Stables and its low key activity of providing horseback riding lessons to young people, at a few riders at a time, during a few hours per day, with a dust control system in place, exceed all the standards and guidelines for a conditional use permit.

Respectfully submitted,

Gerald F. Dusing  
Adams, Stepner, Woltermann &  
Dusing, P.L.L.C.  
Attorneys for the Applicant

## Emerald Pine Stables

6785 East Bend Rd. - Burlington, KY 41005

Emerald Pine Stables *is* a private 9 acre horse farm in Burlington, KY. Our farm offers boarding as well as riding lessons. The farm has a capacity to house roughly 20 horses. The farm *is* a full *service* facility, horses are fed grain twice daily, hay up to 4 times per day as well as watered. Stalls are cleaned daily, sometimes more during inclement weather, they are bedded with kiln dried wood shavings. Daily turnout is available in our 3 grass paddocks and when weather *is* wet we have 5 all weather smaller paddocks available as well as a dry lot. Horses are always provided plenty of clean water in troughs that are heated in the winter to assure fresh clean water is always available. We offer both an indoor and outdoor riding arena for year round practice. Both arena's footing *is* well maintained. The best part of our farm *is* the wonderful people that come to it, we have a big family atmosphere that cannot be duplicated. The children at our farm have a passion for horses and riding and are allowed to learn about all aspects of horse care and riding. There *is* no greater job than being a teacher to great students.

I intend to outline the day to day operations at the farm to better inform you of what we do and how we operate here at Emerald Pine Stables.

### Manure Management:

Horses stalls are cleaned at minimum *everyday*. The manure is dumped by wheel barrow onto a concrete slab, enclosed area. *Every* two days or so that manure is scooped up into a dumpster, the dumpster *is* dumped by Rumpke 2 times a week, I can order additional dumps as I need them. There is no manure spread in the fields, as I do not feel I have enough acreage for that. I have a "dry Lot", which is a paddock that does not have any grass in it, it *is* necessary for horses that should not eat too much grass because of a potential to get sick from it. This lot has a big round bale of fresh hay in it at all times, these horses have "free choice" access to this hay. This lot is scraped for manure 2 to 4 times per month as weather permits. A local farmer down the road comes and hauls this away for me. The smaller "All weather Paddocks" are cleaned daily, no manure *is* left in these. This manure is also placed in the enclosure, and taken away 2 times per week.

### Traffic Management:

Traffic *is* routed in one driveway and out the back *driveway*. I have a large parking area that can up to 16 cars comfortably, with an additional area for 12-14 more along the indoor arena. It is VERY RARE that *even* half of this parking is necessary. Many kids are dropped off for the day to help with barn chores and learn about horses and ride.  
I am

very strict about maintaining a slow, 5 mph range speed when entering or exiting the farm, because horses can spook, and *dogs*, cats and kids are in the area. We do not have a problem at all with the traffic flow. Lesson times are set up so as to stagger the influx and efflux of traffic as well. Horse trailers are not in and out very often, it is mostly our own horses going to and from shows.

#### Riding Lessons:

The riding lessons vary from 45 minute to 1 hour long. The lessons contain 1 to 4 students each. The students arrive 15 min before their lessons start and the student usually leaves approximately 15 min after their *lesson* is over. Lessons are currently on Monday, Wednesday, Thursday's mostly from 3:30-6:00pm, in the summer this can go a little later as to trying to wait for the heat of the day to pass. Saturday's usually schedule from 11-4:30pm, all of these times are not always spoken for and occasionally a makeup lesson can fall on another day and time to accommodate the students schedule. I would estimate that the variance of lessons per week can fluctuate from 15 to 24 lessons (*counting* lessons per person) per week. This boils down to an average of 8 to 10 *sessions* per week spread over 4 days. As this math shows, traffic flow is minimal in and out of this small private farm. A porta potty is also located on the property, rented from Rumpke as well for use of any visitors at the farm.

#### Improvements and Maintenance:

In the 5 years we have owned this property it has come a long way. When we first drove by this property we immediately crossed it off the list, it *was* run down, the barns were rusty, and there *was* not a riding arena. It *was* a mess. We then decided it couldn't hurt to look at it and then we stated to see what might be. We came in with big dreams and have put unimaginable time sweat and money into this property to bring it to its current condition. We are proud of this facility. We have cleaned out the "junk" barn and built *stalls*, we put in a beautiful large outdoor arena *as* well as a beautiful indoor arena, we have divided paddocks and gotten rid of extreme muddy conditions by putting in all weather footing in some. We work very hard to keep grassy areas rooted with grass as well as put in a very large area of gravel for a parking lot. Then we prepped and painted the barns, they are beautiful! The two rusty old barns that were once "Eye sores" are now beautiful red barns...we took a place that was on its way down and breathed new life into it....it is more than we could have imagined and guess what? We still have plans of improvement. we plan to clean up the ponds that have been riddled with "duckweed", and we have been researching a way to water our outdoor riding arena so as not to create dust to our neighbors.

"Recital" "Horse Show":

Emerald Pine Stables participates in a variety of Horse Shows around the KY and OH area, several of the students here are top competitors in the state and collect several year-end awards for their hard work throughout the year. We are *very* proud of their accomplishments. We decided that it would be nice to *give* the students that are not yet ready to participate in a Horse Show, yet have been working *very* hard at their riding skills, a chance to show off what they have learned thus far. So we threw a

gathering at the farm that carried the theme of "Horse Show". This was a huge hit. The students were so excited and nervous to show their talent in front of a judge and in front of their extended family and friends. Grandparents especially *loved* this event. It was a perfect day. The smiles on the faces of these children as they would win a ribbon for the skills they had acquired were priceless. This *gave* the kids something to work towards and goals to meet for the next time we may do such a thing. We are hoping to be able to make this a spring and fall *event*. The parking was completely adequate. No outside horses are brought into the farm, and again students are staggered in and out of the farm based on ability levels. There were absolutely no complaints and only praise for having such a wonderful day for the kids to show off what they learned and most of all in front of family that does not get to see them ride otherwise.

To conclude, I urge you to look at what this farm truly is. It is so much more than it appears to be to an outsider. This is a "family" where so many families with separate journeys and stories enjoy the horse. Our great state of KY is known for its rich history of horses, we need to teach our future generations about the horses, how to ride them, respect them, care for them, for they are the future of the horse industry. I have families out here that *have* suffered some great losses in their families, fathers at young ages, siblings that were too young to die, kids who are bullied or awkward at school yet accepted with open arms out here at the farm. The kids all *learn* to support each other and cheer each other on, they work a big team, the friends they *have* at the farm may be the only friends they *have*. The good times they *have* at the farm is what gets them through the week. The *love* they *have* for the horse they ride when they come to the farm is what they anticipate all week long. This farm is like therapy to some, recreation to others and a competitive sport as well. My hope is that I *have* answered all potential questions about what we do here at Emerald Pine Stables and that you can see the *value* this small business brings to many Boone County families that we *serve*.

Very Sincerely Yours,

A handwritten signature in cursive script that reads "Colette Restaino". The signature is fluid and connected, with a large initial 'C'.

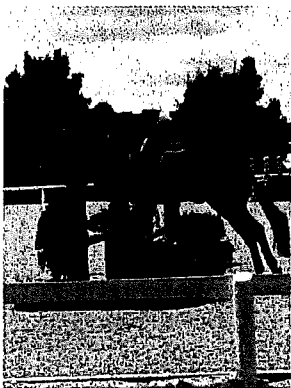
Colette Restaino

I would like to introduce myself, Colette Restaino , and my business, Emerald Pine Stables. I would like to tell you all a little about what we do over here at the stables and invite you to come for a tour or visit at your convenience. We all know this great state of Kentucky is known for its horse farms, and I would like to help you get to know my farm, Emerald Pine Stables, right in your backyards!



Here at EPS, we house 20 of my own privately owned horses, including a mare still nursing her foal and a very senior citizen at the age of 33 years old. My daughter and I have a combined 55 years of horse experience. We provide riding lessons for children starting at age 5 years and up. The children we teach about horses and riding often have different goals, some just love horses and want to ride, some want to

compete at the local level, and some have big dreams of being highly competitive. We help them all reach their goals from casual to champion riders and horsemen from the ground up. These children are the future of Kentucky and the horse industry. I occasionally offer boarding for other



individually owned horses as well, but am very selective on who I will let join our close knit group of dedicated clients. EPS has a wonderful reputation of turning out top quality riders and horses; we attend 10 plus horse shows per year and produce many State and Local Champion horses and riders through the Kentucky Hunter Jumper Association and the State 4H Program. We are a "Family" here at EPS, the children all respect each other, work hard and love horses. Some may even say it's therapeutic to be at the farm with their



children and horses, while others are just so grateful for a place for their children to learn how to care and respect animals. This environment is not one most people are lucky enough to have in their own backyards.

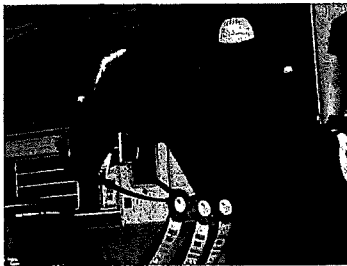
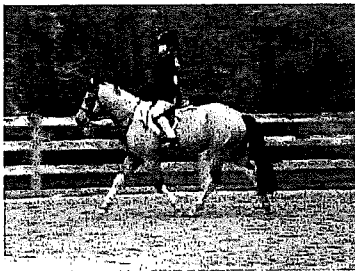




This fall we hosted a "Show off Day" for the children. This day gave the children a chance to invite grandparents, and other family and friends to the farm to show them what they have been working on and learning. They were so PROUD to be able to show off, as well as to be judged



by a judge as if it were a real competition. Although it may have been a busy day, the beaming ear to ear smiles on the children's faces and the family members who were able to come watch them made it all worth it!



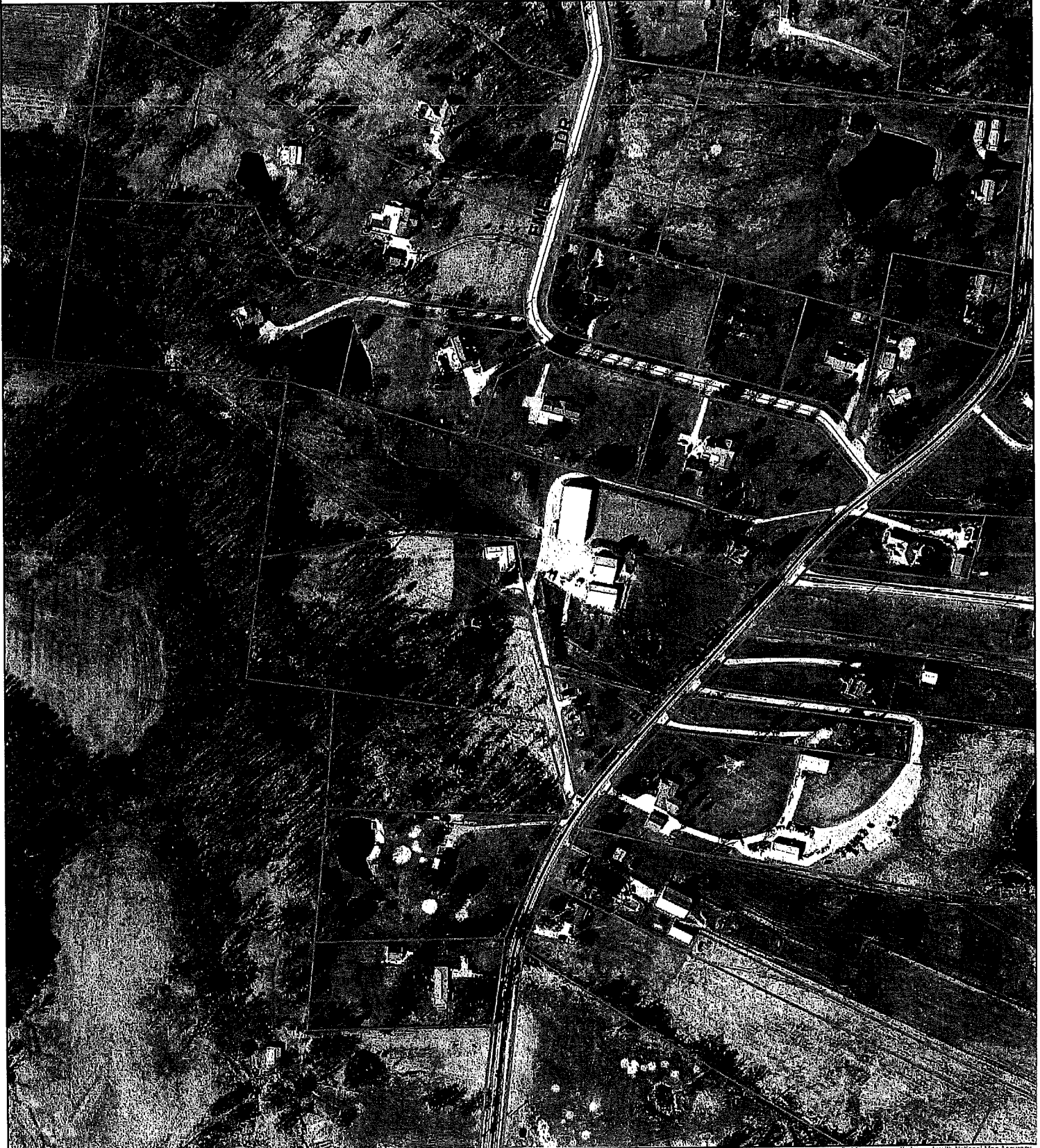
The Racing industry and Thoroughbreds are also strong representatives of our state of Kentucky, but when these racehorses are done racing, we need to provide them with a second career. Here at EPS we do just that! We take on as many racehorses as we can house and build up their weight and health and teach/train them to be riding horses. These horses and programs like this are vital to our

state. We currently house 6 of these ex-racehorses, and have found homes for several others. Some go on to be competitive show horses, or some just to be trail horses, but the important thing is they gain the skills necessary to make them safe for the more average rider and are provided good "rest of their lives".



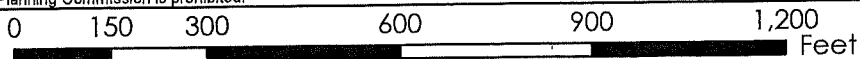
# 2012 AERIAL MAP

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1 inch = 300 feet



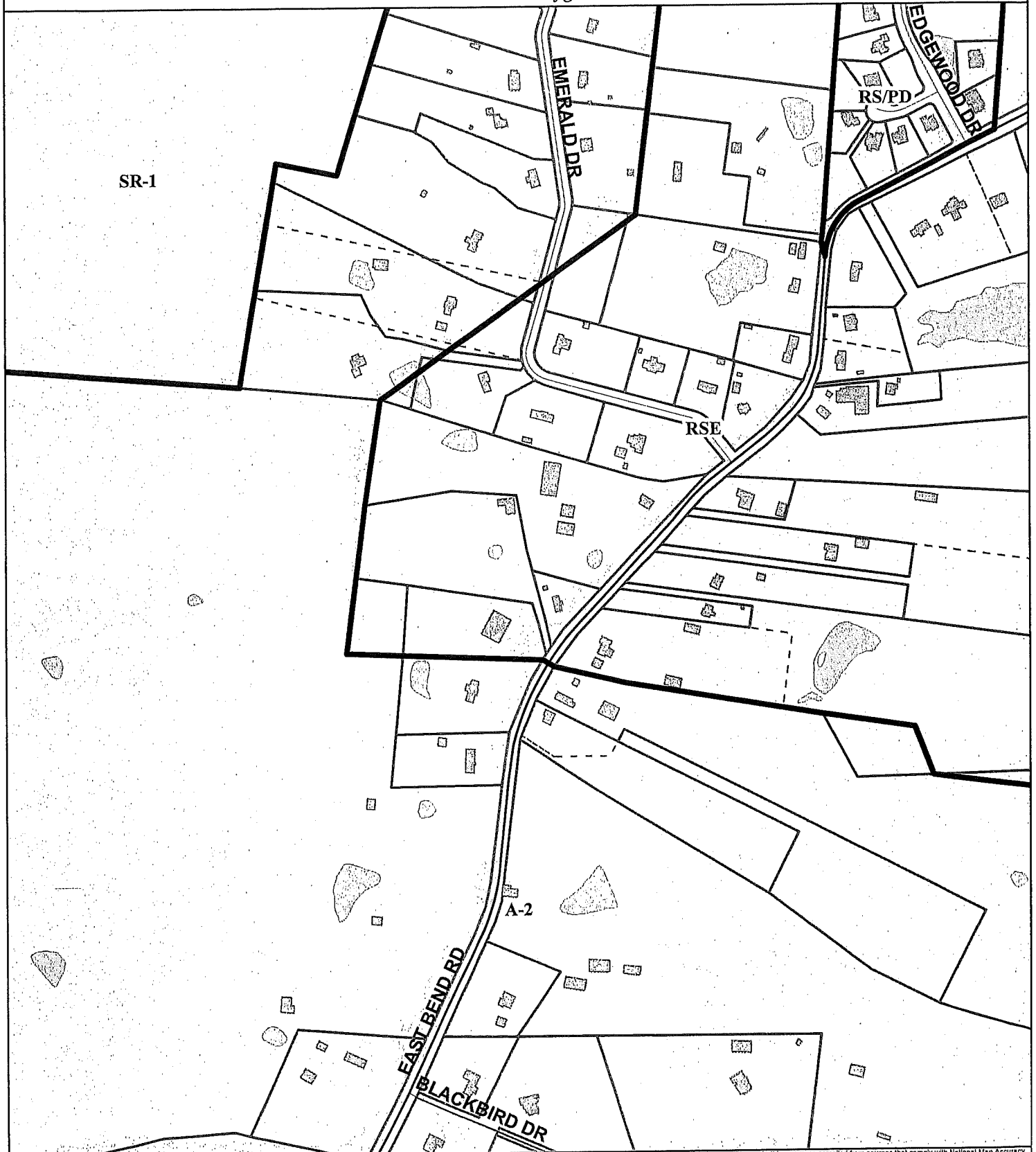
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 07/01/2013

ArcMap Document: BooneMap (file).mxd

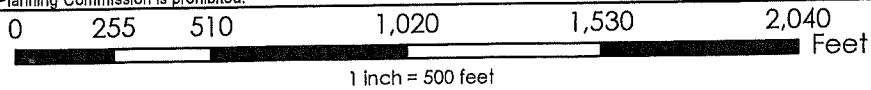
# ZONING MAP

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

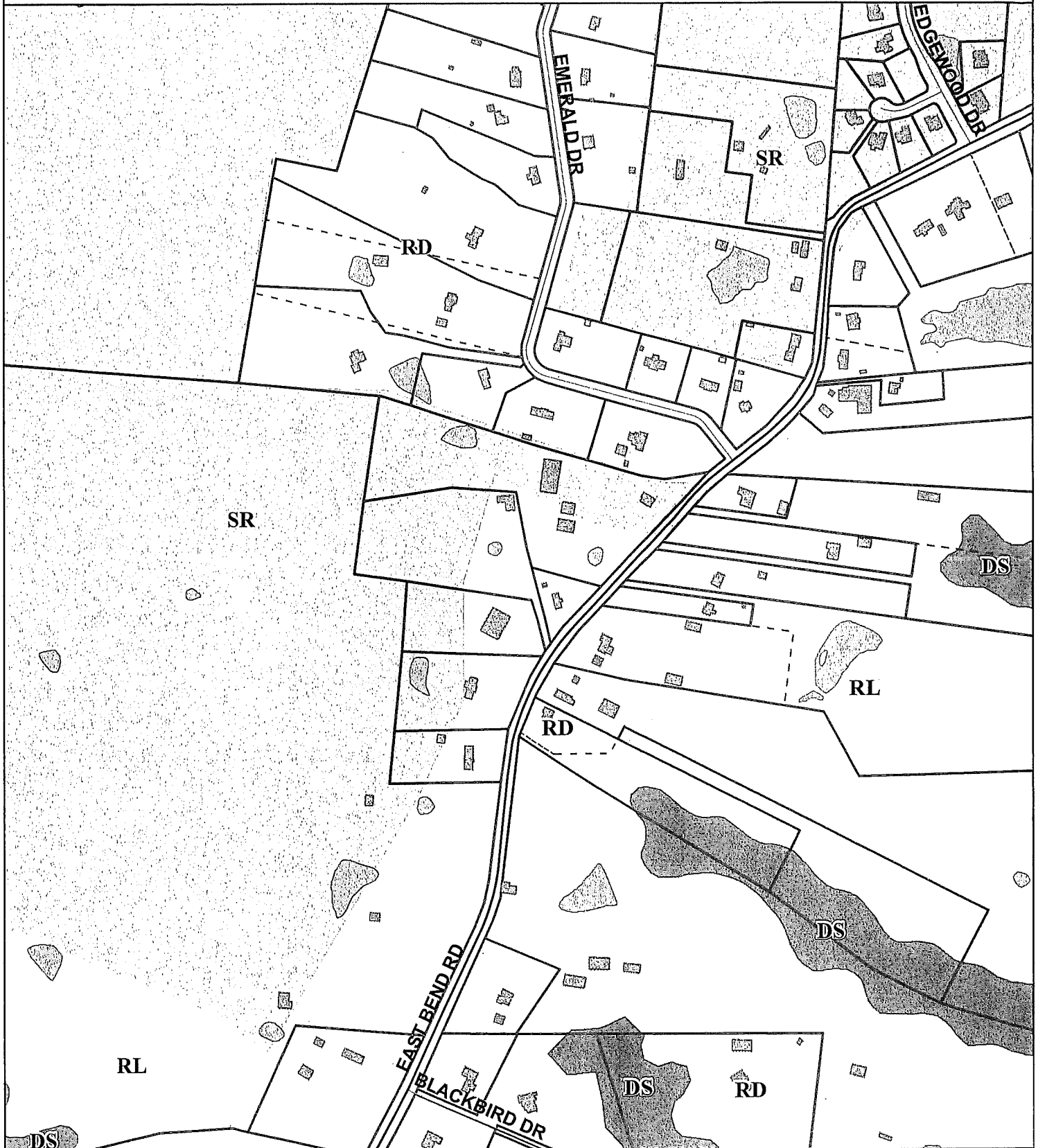


Map Created: 07/01/2013

Boone County GIS  
ArcMap Document: BooneMap (file).mxd

# 2035 FUTURE LAND USE MAP

www.boonecountygis.com



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0 255 510 1,020 1,530 2,040 Feet

1 inch = 500 feet

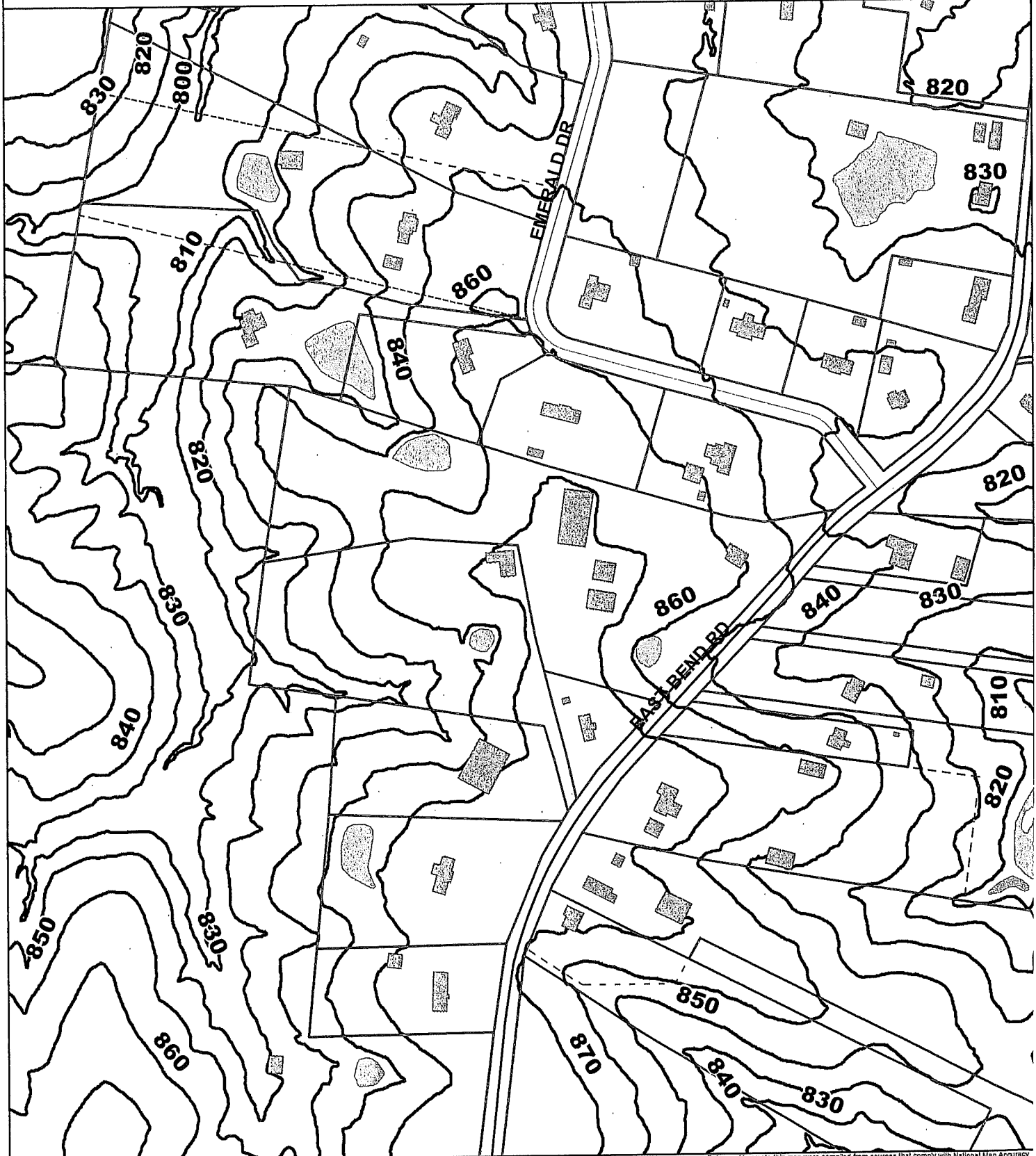


**Boone County GIS - Putting Northern Kentucky on the Map**



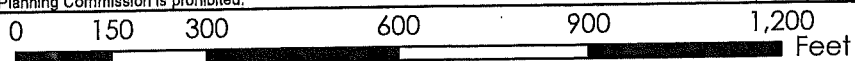
# TOPOGRAPHICAL MAP

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Map Created: 07/01/2013

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



ArcMap Document: BooneMap (Site).mxd

345

BUILDING ADDRESS OR LOCATION: 6785 EAST BEND RD.

**NOTICE**

I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT (PLEASE PRINT): BOBBY PERKINS  
95 MARKSBERRY LN. SPARTA, KY 41086

APPLICANT'S SIGNATURE: Bobby Perkins  
As Authorized by Property Owner

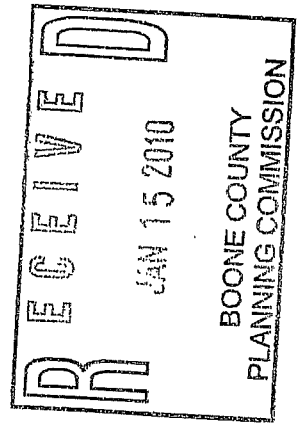
DATE 1/15/10 PHONE NUMBER: 859-643-2065

This Portion of the Application to be Completed  
the Boone County Planning Commission

Zoning <u>RSE</u>	Date <u>1-21-10</u>	Fee <u>PA</u>	\$90.00	Farm Exempt
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied		\$45.00	(No Fee)
Staff Reviewer <u>R. Johnson</u>	Address <u>6785 East Bend Rd.</u>			
Subdivision				
Lot #	Section #	Block/Phase #		

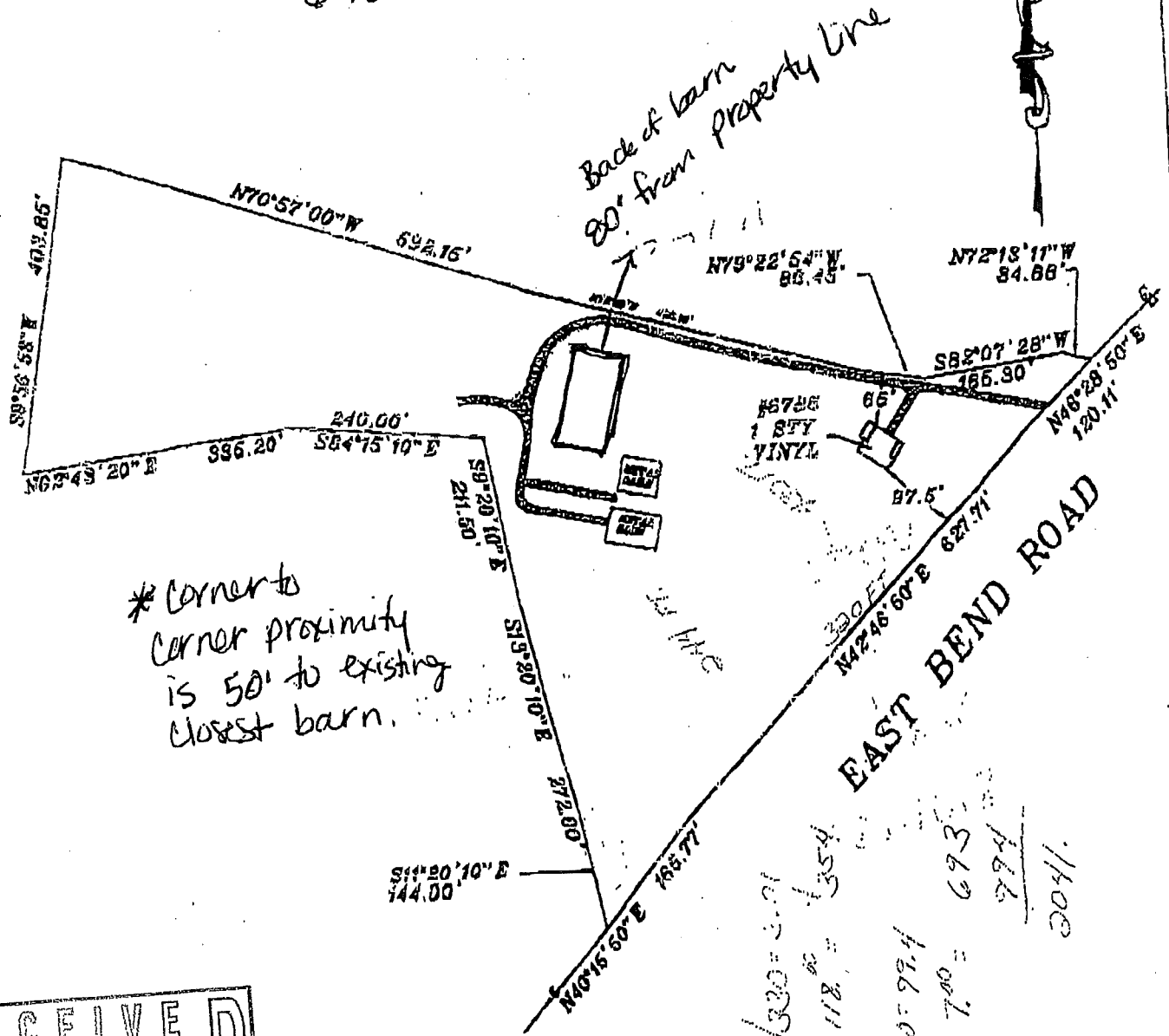
R#  
60037

Type of Improvement			
<input type="checkbox"/>	Single Family Residence	<input type="checkbox"/>	Detached Garage
<input type="checkbox"/>	Duplex	<input type="checkbox"/>	Garage Addition
<input type="checkbox"/>	Three Family	<input checked="" type="checkbox"/>	Porch or Deck
<input type="checkbox"/>	Apartment (# units _____)	<input checked="" type="checkbox"/>	<u>Barn</u> or Shed
<input type="checkbox"/>	Townhouse (# units _____)	<input type="checkbox"/>	Swimming Pool
<input type="checkbox"/>	Mobile Home	<input type="checkbox"/>	Tenant Finish
<input type="checkbox"/>	Residential Addition	<input type="checkbox"/>	Other:
Jurisdiction			
<input checked="" type="checkbox"/>	Boone County	<input type="checkbox"/>	Florence
<input type="checkbox"/>	Walton	<input type="checkbox"/>	Union
Post Office			
<input checked="" type="checkbox"/>	Burlington (41005)	<input type="checkbox"/>	Florence (41042)
<input type="checkbox"/>	Walton (41094)	<input type="checkbox"/>	Union (41091)
<input type="checkbox"/>	Hebron (41048)	<input type="checkbox"/>	Verona (41092)
<input type="checkbox"/>	Petersburg (41080)	<input type="checkbox"/>	Erlanger (41018)
<input type="checkbox"/>	Crittenden (41030)	<input type="checkbox"/>	Independence (41051)
Group # <u>2029</u>		Census Tract # <u>705.01</u>	



# MORTGAGE LOCATION SERVICE

## 6785 E. Bend Rd.



\* Corners  
 corner proximity  
 is 50' to existing  
 closest barn.

174/330 = 3.01  
 3 x 118 = 354  
 174/10 = 99.4  
 77 x 7 = 693  
 974  
 204/1

**RECEIVED**  
 JAN 15 2010  
 BOONE COUNTY  
 PLANNING COMMISSION

SCALE 1"=200'

**PAUL BYRNSIDE**  
**REGISTERED SURVEYOR**  
 1871 EIGHT MILE RD.  
 CINCINNATI, OHIO 45255 174-6080

SCALE 1"=200' DRAWN BY: AL CHECKED BY:  
 DATE: 04-30-88 JOB NO: 828493

**THIS IS A MORTGAGE INSPECTION AND IS NOT A RECORDABLE DOCUMENT AND WAS PREPARED FOR THE MORTGAGE IN CONNECTION WITH A NEW MORTGAGE, AND IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY. NO CORNERS WERE SET. DO NOT USE FOR DETAILING: FENCE OR BUILDING LINES. NO RESPONSIBILITY IS EXTENDED TO THE LANDOWNER OR OCCUPANT. IT DOES NOT MEET THE MINIMUM REQUIREMENTS FOR SURVEYING IN THE STATE OF KENTUCKY.**

BY \_\_\_\_\_ DATE \_\_\_\_\_

\$105

Boone County Building Department

Permit Tracking # \_\_\_\_\_

RESIDENTIAL BUILDING PERMIT APPLICATION

A. Project Address 6785 EAST BEND RD. Date of Application: \_\_\_\_\_  
Subdivision/Project Name \_\_\_\_\_ City \_\_\_\_\_  
Lot/Bldg. No. \_\_\_\_\_

B. Identification	Name	Address	City/State/Zip	Phone
Owner	Collet Restaino	6785 East Bend Rd	Burlington, 41005	859-250-1686
Contractor	Bobby Kilgus	95 MARKSBURG AVE	SPARTA, KY 41086	859-643-2065
Permit Applicant	Bobby Kilgus	SAME	SAME	SAME
Applicant Email Address				
Applicant Fax Number				

C. Type of Improvement and Use (Check applicable)

New building	Single Family	Other
Addition	Two-Family Duplex	
Alteration	Modular Home	
Demolition	Barn <u>Pole Barn</u>	
HVAC	Multi-Family	No. of Units
	Garage	
	Shed	
	Pool	
	Basement finish	Included with this permit?
	Deck/porch	Included with this permit?



D. Describe proposed work: 60' X 120' X 16' POLE BARN 7200 Sqft E. Construction Cost \$ 22,000

- F. County right-of-way encroachment permit required? Yes \_\_\_\_\_ No \_\_\_\_\_ Permit # \_\_\_\_\_
- G. State right-of-way encroachment permit required? Yes \_\_\_\_\_ No \_\_\_\_\_ Permit # \_\_\_\_\_
- H. Will public sidewalks be provided on this lot? Yes \_\_\_\_\_ No \_\_\_\_\_
- I. Farm exemption requested for this structure? Yes \_\_\_\_\_ No \_\_\_\_\_ Number of Acres \_\_\_\_\_
- J. Modular Home? Yes \_\_\_\_\_ No \_\_\_\_\_ State IBC Permit # \_\_\_\_\_
- K. Is this property located in a floodplain? Yes \_\_\_\_\_ No \_\_\_\_\_ (If yes, Ky. Div of Water approval required)

L. Subcontractors

Company Name	Certification No.
Electrical Contractor <u>N/A</u>	State # _____
Mechanical Contractor <u>N/A</u>	State # _____

M. Building Planning

Type of Heating \_\_\_\_\_ Gas \_\_\_\_\_ Oil \_\_\_\_\_ Electric \_\_\_\_\_ Insulation Pkg. \_\_\_\_\_

Type of Water \_\_\_\_\_ Public \_\_\_\_\_ Private \_\_\_\_\_

Type of Sewage \_\_\_\_\_ Public \_\_\_\_\_ Private \_\_\_\_\_ Permit # \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Square Footage: First Floor \_\_\_\_\_

Number of bathrooms \_\_\_\_\_ Second Floor \_\_\_\_\_

Garage \_\_\_\_\_

Code Used: 2007 Kentucky Residential Code Fin. Basement \_\_\_\_\_

The owner of this building and undersigned permit applicant do hereby covenant and agree to comply with all the applicable regulations pertaining to building and buildings and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the above information and statements given on this application, drawings and specifications are to the best of their knowledge true and correct. Failure of this office to note all violation in the review of plans and specifications does not relieve the contractors of the responsibility of complying with applicable codes and regulations. The Building Official reserves the right to enter the construction premises at will during reasonable working hours.

APPLICANT'S SIGNATURE [Signature]  
Print Applicant Name: \_\_\_\_\_

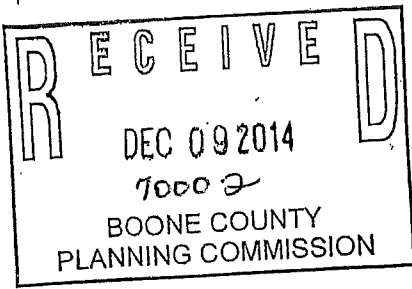
ZONING APPROVAL	Date	Zone	Fee Paid	Parcel ID# (PIDN)
<u>[Signature]</u>	<u>1-21-10</u>	<u>RSE</u>	<u>✓</u>	

BUILDING OFFICIAL	Date Issued	Permit Number	Fee Paid	Architect Required?
			<u>pd 105</u>	





APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 Colette Restaino Applicant's Address 6785 East Bend Rd Burlington KY 41005

4. Phone Number 859-250-1686 Fax No. \_\_\_\_\_ E-Mail ColetteRest@Yahoo.com Description of Request: Horse Riding Stable

5. Name of Development Emerald Pine Stables 6. Location of Development 6785 East Bend Rd Burlington KY 41005

7. Acreage Under Review 9.01 AC 8. Lot Number and Name of Subdivision (if part of a subdivision) N/A

9. Owner of Property Gerard Restaino 10. Address of Property Owner 1346 The Hideout Lake Ariel PA 18431

11. Phone Number (732) 887-3398 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_ Proposed Use(s) on Site Horse riding / Boarding

12. Total Square Footage of Existing and/or Proposed Buildings 60x120; 40x48; 40x64

13. Current Zoning on Property RSE 14. Deed Book D971 Page No. 641 Group No. 2029

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 - Existing Structures

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: Gerard Restaino (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

(over)

Teggy Jones 6835 East Bend Burlington, KY 41005 859-586-9055

Peggy Jones

COPY

CLUR #15-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Gerard Restaino  
1346 The Hideout  
Lake Ariel, PA 18436

Peggy Jones  
6385 East Bend Road  
Burlington, KY 41005

Sam Cicci  
6847 East Bend Road  
Burlington, KY 41005

2. ADDRESS OF PROPERTIES

6785, 6835, 6847 E Bend Rd  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Emerald Pine Stables

4. DEED BOOK 971

PAGE NO. 641

GROUP NO. 2029

DEED BOOK 782

PAGE NO. 623

GROUP NO. 2029

DEED BOOK 24

PAGE NO. 80

GROUP NO. 2029

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of January 15, 2015 Certificate of Land Use Restriction (#15-BCBOA-001-A), for Gerard Restaino, Peggy Jones and Sam Cicci, Property Owner(s).

The following conditions will apply:

1. A dust mitigation/sprinkler system shall be installed for the outdoor riding arena as described by the property owner at the 1/14/15 Boone County Board of Adjustment Meeting.
2. Horse manure shall be disposed of and the fields shall be scraped per the "manure management" section of Collette Restaino's letter (see 1/14/15 Staff Report).
3. Trees shall be planted on the property line and may encroach onto the neighboring properties per Exhibit 11 that was submitted at the 1/14/15 Boone County Board of Adjustment meeting. The trees shall be spaced no further than 15 feet apart on center and shall be at least 6 feet tall at installation.
4. No lights shall be used to illuminate the outdoor riding arena.
5. No outdoor riding lessons shall occur after dark.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 971

PAGE NO. 641

GROUP NO. 2029

DEED BOOK 782

PAGE NO. 623

GROUP NO. 2029

DEED BOOK 24

PAGE NO. 80

GROUP NO. 2029

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  
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 January, 2015.

Vicki L. Myers

Vicki L. Myers  
Notary ID 438411  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2015

This instrument was prepared for recording purposes only by:

Sara Smith

Sara Smith  
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.)