

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 DARREN SPAHR
Applicant's Address 32 RIDGEVIEW DR, DAY RIDGE KY 41035
4. Description of Request: CONSTRUCT ROOF STRUCTURE OVER EXISTING OUTSIDE DINING.
5. Name of Development WASHINGTON SQUARE CAFE
6. Location of Development 5981 N. JEFFERSON ST. BURLINGTON, KY 41005
7. Acreage Under Review .11 ACRES
8. Lot Number and Name of Subdivision (if part of a subdivision) TOWN OF BURLINGTON
9. Owner of Property Rae-Jo LLC - Shelli J. Allen
Address of Property Owner 3684 AKIN LANE Burlington KY 41005
10. City Burlington KY State KY Zip 41005
Phone Number 859-513-7035 Fax No. E-Mail.
11. Proposed Use(s) on Site SAME - OUTSIDE DINING
12. Total Square Footage of Existing and/or Proposed Buildings 1204 + 900 CLOOPY
13. Current Zoning on Property SR-2/5C
14. Deed Book D941 Page No. 956 Group No. 2024
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.

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)

RECEIVED 75105 MAR 21 2017 BOONE COUNTY PLANNING COMMISSION

**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 3-21-17 Fee Received \$ 782.00 Receipt # 75/03
2. Is application complete?  Yes \_\_\_\_\_ No \_\_\_\_\_
3. Staff Reviewer KEVIN WALL
4. Scheduled Board Action Date 4/12/17
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: AS RECOMMENDED UNDER STAFF COMMENT #4 (A+B) ON PAGE 6 OF STAFF REPORT.
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: Darren Spahr of Spahr Development, PLLC for Washington Square Café

LOCATION: 5981 North Jefferson Street, Boone County, Kentucky

ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)

DATE: April 12, 2017

### PROPOSAL

The applicant is requesting a Conditional Use Permit to allow the construction of an open canopy addition over the existing outdoor seating area at the front of the Washington Square Café building. The application does not propose to expand the seating capacity of the restaurant, but simply to add a roof covering addition over the existing front patio area. Two options for the roof design were submitted for the Board's consideration. The footprint area for both options is approximately 25' 4" by 32' 4".

The first option (Canopy A) proposes a low gable roof with a 3/12 pitch. This option proposes an open gable with an exposed structure, tension rods, and ceiling fans. This option also proposes a 27 inch high painted brick seat wall with a concrete cap facing the street and black metal railing along the sides of the seating area with intermittent brick column bases.

The second option (Canopy B) proposes a low shed style roof with a secondary gable facing the street. This option proposes the 27 inch high brick seat wall on all three sides of the seating area. Both options include clad columns and metal roofing to match the existing structure. Both options also include an open trellis structure and a decorative metal gate at the north end of the seating area.

### RECENT SITE HISTORY

The Boone County Planning Commission approved a Minor Site Plan for the existing outdoor seating area for a previous restaurant tenant on 5/17/06.

The Boone County Board of Adjustment conditionally approved a Conditional Use Permit to allow an expansion of the existing building on 12/9/09 (conditions are outlined in attached CLUR #09-BCBOA-014-A).

The Boone County Planning Commission approved a Minor Site Plan for the building expansion on 12/17/09. The Boone County Planning Commission approved a Minor Site Plan for an expansion of the outdoor seating area on 4/19/10.

### APPLICABLE ZONING REGULATIONS

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

The Board needs to evaluate the request as it relates to the criteria necessary for granting Conditional Uses as stated in Sections 262 and 2012 of the Boone County Zoning Regulations.

Findings listed in Section 262 (General Standards Applicable to 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 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 any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will 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 designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 2012 of the Boone County Zoning Regulations permits "eating and drinking places including alcoholic beverages, excluding franchise style fast food establishments" as a conditional use in the Small Community Overlay District (SC) in the following cases:

1. When the operation is locating in a building which is larger than 2,500 square feet;
2. When major exterior alterations or additions are proposed which increase the size of use or structure;
3. When the operation requires more than ten (10) parking spaces, or
4. The proposal requires the construction of a new building on a vacant lot.

Section 2012 of the Boone County Zoning Regulations allows "eating and drinking places including alcoholic beverages, excluding franchise style fast food establishments" as a conditional use in the SC district provided that:

- a. the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b. the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and
- c. historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC

overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Section 2015 of the Boone County Zoning Regulations states the setback standards in the Small Community Overlay zone are as follows:

Front Yard: 20 Feet Maximum

Side Yard: 10 Feet Minimum

Rear Yard: 20 Feet Minimum

Section 2020 of the Boone County Zoning Regulations states that construction proposals in the SC overlay district that are within the Burlington Town Plan Strategic Plan area, and that require site plan review (major or minor), are subject to specified design standards contained in the Plan. The subject site is within this area. The design standards are outlined in pages 17 through 19 of the Burlington Town Plan Strategic Plan in the sections entitled Site Layout, Architectural Details/Ornamentation for Existing Historic Buildings, Exterior Siding, Windows and Doors, Building Roofs, and New Construction and Additions (see attachments). Review of construction proposals for compliance with these design standards shall be performed by the Planning Commission staff through the site plan procedure. Proposals subject to these standards shall submit architectural drawings as outlined in Section 3004, #21 of the zoning regulations. These design standards are similar to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings referenced in the SC overlay district Conditional Use criteria in Section 2012.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The following Future Land Use Development Guidelines from the 2010 Boone County Comprehensive Plan relate to the application:

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact . . . ("Buffering," pp. 162 and 163).
- B. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," p. 163).

- C. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," p. 164).

The following passage from the Land Use Element ("13. Burlington," p. 174) relates to the request:

- A. Burlington proper will continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338. Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive reuse to retain the character of central Burlington. This approach is encouraged in historic Burlington by a limited design review process adopted in the 2008 Boone County Zoning Regulations. As Boone County grows, there will be a greater need for public facilities and services. The 2002 Burlington Town Strategic Plan addresses the unique transportation, parking, public facilities, historic preservation, and subdivision characteristics of the area. The new Boone County Justice Center and the Boone County Public Safety Center Complex have reinforced Burlington as the hub of local government activity. Some private investment, mainly in restaurant and shop uses, as well as the TEA-21 Transportation Enhancement Grant for sidewalks indicates momentum for investment in the town center. Appropriate architecture and placement of new or renovated buildings is critical to respect the established character of the town.

The following passage from the Historic Preservation Element ("Burlington National Register Historic District," pp. 109-110) relates to the request:

- A. The Burlington Historic District presents a crucial preservation challenge. Efforts should be made to insure that a mixture of governmental, commercial, and residential activity continues to function in Burlington. Burlington has the rare opportunity to capitalize on its unique architectural landscape, small town charm and rural atmosphere. Poorly designed new construction, already apparent in several Burlington locations, will destroy this valuable character. The town's historic buildings should be rehabilitated and adaptively reused to meet the realities of a rapidly changing county, and the challenges of the 21st century. A positive step in this direction was the development in 2002 - 2003 of the Burlington Town Strategic Plan. The plan's mission statement is "to energize the central town of Burlington into a healthy business and residential center of Boone County by using the public services, special events activity, and historical character of the town as a foundation." The plan includes recommendations designed to enhance the infrastructure, streetscape, architectural design, marketing and tourism potential of Burlington. Several recommendations, including the above mentioned update of the National Register District nomination, have already been implemented.

The following Goals & Objectives from the 2010 Boone County Comprehensive Plan apply to the application:

- A. Significant historic buildings, structures and sites, archeological sites and natural features in Boone County are documented and preserved ("Preservation," Goal).
- B. Plans for new or redeveloped commercial, industrial, institutional and residential sites shall be reviewed and reasonable measures taken to ensure identification and protection of significant historical, archeological, and architectural sites including cemeteries ("Preservation," Objective 4).
- C. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).

#### ADJACENT LAND USES AND ZONING

North: Book/collectible store and restaurant (SR-2/SC).

South: Union Square, insurance office, law office, restaurant/bar, and apartments (SR-2/SC).

East: North Jefferson Street, Boone County maintenance building, single family residence, and Old Courthouse (SR-2/SC).

West: Pete's Park (SR-2/SC).

#### SITE CHARACTERISTICS

The subject property contains approximately 0.11 acres and is located on the northwest corner of the North Jefferson Street/Union Square intersection. The lot contains an approximate 1,235 square foot building which is constructed with brick, lap siding, multi-pane windows, and a maroon metal roof. The original saltbox structure is the circa 1817 Joseph Graves House. An outside eating area/patio is located in the front yard and is enclosed with a white picket PVC fence. A sidewalk easement that ranges between 10 and 20 feet in width exists along the north property boundary and will allow a future sidewalk to be constructed to Pete's Park to the west. Some large deciduous trees are located in the front and side yards. The topography of the property slopes slightly from the front property line to the rear property line.

#### STAFF COMMENTS

1. The Board needs to analyze the Conditional Use Permit criteria before acting on this request. Since the application is simply for a roof structure over an existing outdoor seating area, the primary issue with the proposal is to assure that an appropriate design is provided when considering that the original structure is a two hundred year old saltbox house in the core of the Burlington.

Based on the options presented, Staff favors "Canopy B" (shed roof with secondary gable option) since it visually competes less with the historic structure than "Canopy A" (3/12 pitch gable option), and it reasonably corresponds to the shed roof addition on the north side of the

building. Because of the geometry dictated by the existing conditions (dimensions of the outdoor seating area combined with the location of the existing second floor window), the pitch of a gabled design ("Canopy A") will be necessarily low and can not approximate the pitch of the existing gable to effectively correlate to the original structure.

2. The applicant should explain the purpose of the gate at the north end of the proposed enclosure. Under normal circumstances, a sidewalk connection should be provided between the gate and the public sidewalk along North Jefferson Street.
3. The applicant should explain any proposed changes to the exterior lighting, particularly any new lighting that would illuminate areas beyond the proposed canopy.
4. Staff recommends the following condition if the request is approved:
  - A. The design of the canopy addition shall follow the submitted elevation drawings for "Canopy B" (shed roof with secondary gable option).
  - B. A sidewalk connection shall be provided between the gate at the northeast corner of the seating area enclosure and the public sidewalk along North Jefferson Street.
5. For the applicant's information, a Minor Site Plan application must be submitted to the Boone County Planning Commission for review and formal construction approval.

#### Conclusion

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

Respectfully submitted,



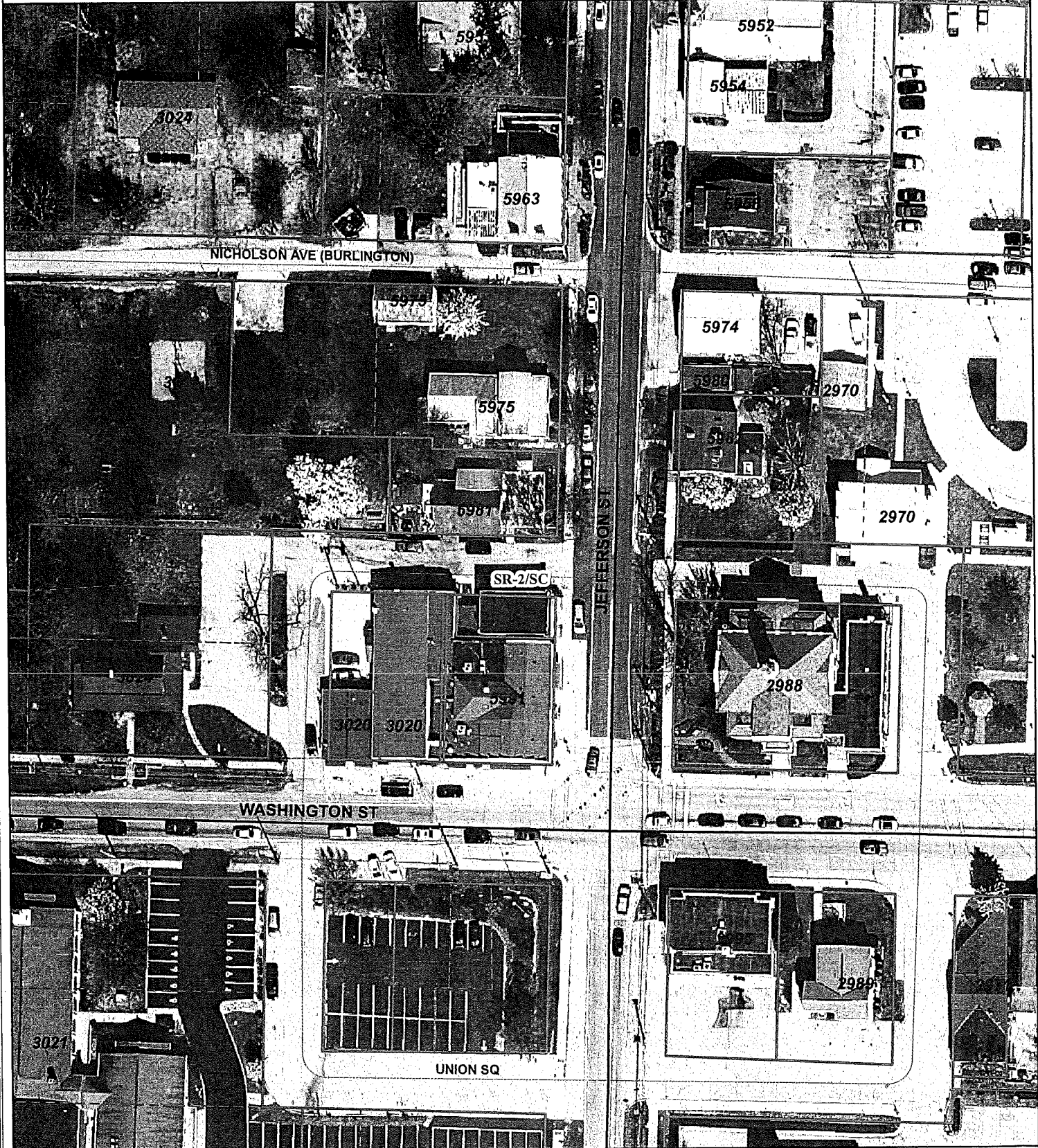
Kevin T. Wall  
Director, Zoning Services

#### Attachments

- Aerial photograph with zoning
- 2035 Future Land Use Map excerpt
- CLUR #09-BCBOA-014-A for initial Washington Square CUP approval
- Architectural Design Standards from Burlington Town Strategic Plan
- Application materials including Concept Development Plan

# Zoning

www.boonecountygis.com



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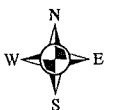
0 0.0075 0.015 0.03 0.045 0.06 Miles

1 inch = 77 feet



Map Created: xx/xx/2016

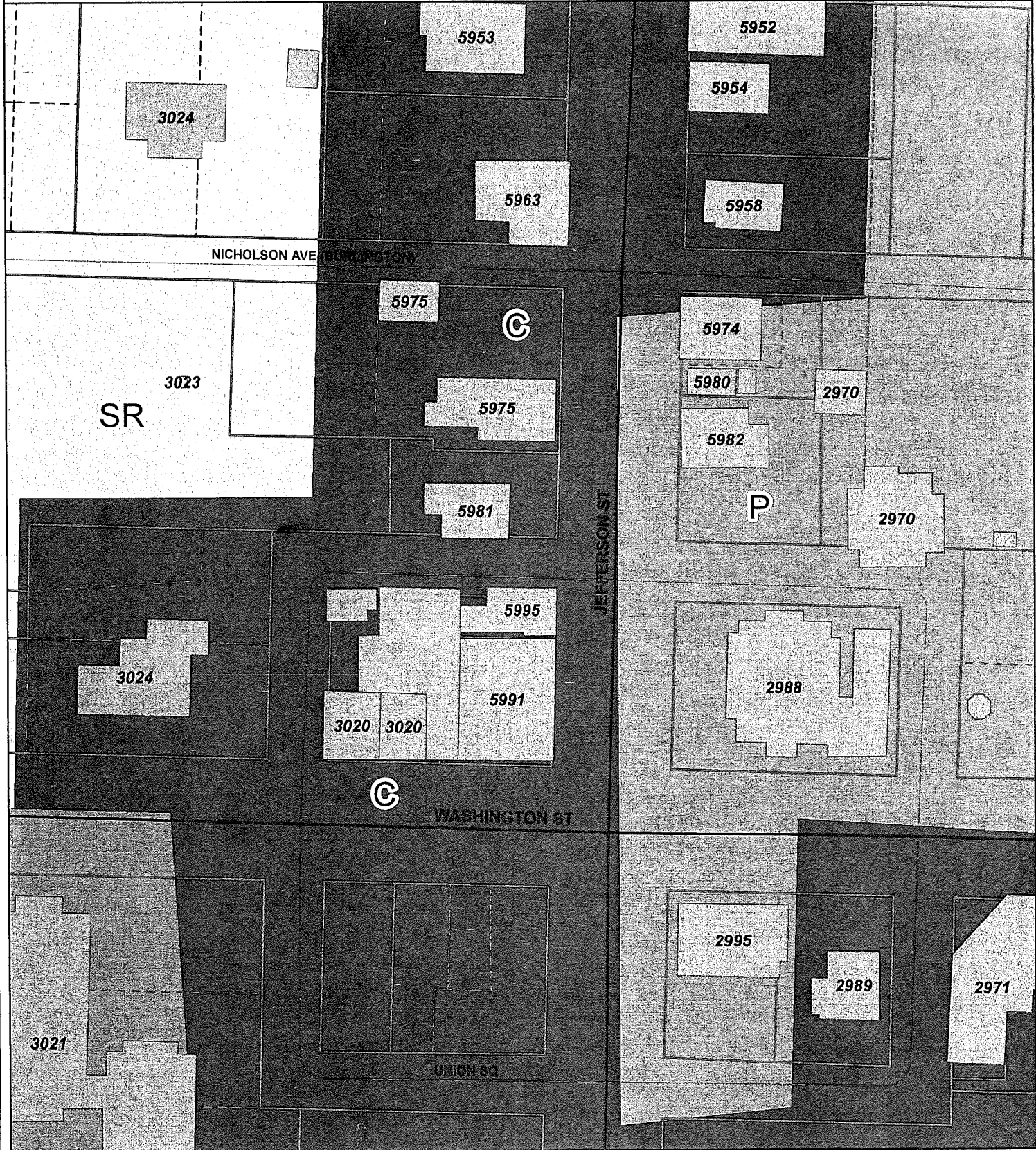
**Boone County GIS - Putting Northern Kentucky on the Map**



Map File: C:\GIS\Map\BooneCounty.mxd  
ArcMap Document: BooneCounty.mxd

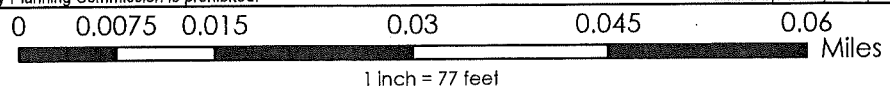
# 2035 Future Land Use

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.



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



Map Created: xx/xx/2016

Map 7 Area of Kentucky, Inc. 040 1301  
ArcMap Document: BooneCounty.mxd

COPY

CLUR #09-BCBOA-014-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

RAE-JO, LLC  
3684 Akin Lane  
Burlington, KY 41005

2. ADDRESS OF PROPERTY

5981 N. Jefferson Street  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Washington Square Café & Catering

4. DEED BOOK 941

PAGE NO. 756

GROUP NO. 2024

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

Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

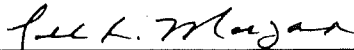
Subdivision Plat  
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005



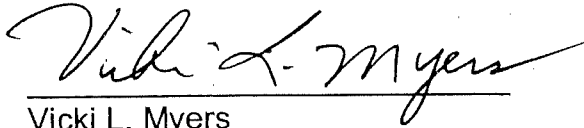
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

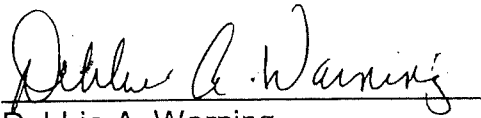
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 10 day of December, 2009.



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 December 9, 2009 Certificate of Land Use Restriction (#09-BCBOA-014-A), for RAE-JO, LLC, Property Owner(s).

The following conditions will apply:

- 1) The approval is based on the submitted elevation drawings on file at the Boone County Planning Commission Office.
- 2) The middle window shown on the front façade shall be removed to provide a better aesthetic from N. Jefferson Street. One window is required on each side of the support column.
- 3) All umbrellas set up on the outside seating area shall not have any text or advertisements.
- 4) The development shall not have any neon window signage.
- 5) A Minor Site Plan shall be submitted to the Boone County Planning Commission before construction proceeds. The plan will analyze the proposed building materials and if the addition is located outside the sidewalk easement.

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

DEED BOOK 941 PAGE NO. 756 GROUP NO. 2024

opposite side of the street. The maximum front yard for commercial, office, industrial, or public facilities uses shall be 20 feet.

- B. Side yard minimum adjacent to private property - five (5) feet
- C. Side yard minimum adjacent to right-of-way - ten (10) feet
- D. Rear yard minimum adjacent to private property - twenty (20) feet
- E. Rear yard minimum adjacent to alley - five (5) feet

#### Site Layout

- A. Non-residential building facades facing public street shall be designed as the building front.
- B. Sidewalk connections shall be provided to all existing and planned sidewalks, and to alleyways.
- C. Off-street parking shall be located on the side and/or rear of the primary building.
- D. On-street and shared parking can fulfill parking requirements if demonstrated to the Zoning Administrator that they are sufficient.

#### Architectural Details/Ornamentation for Existing Historic Buildings:

- A. Existing architectural details and ornamentation, including existing porch elements, shall be retained, maintained, and repaired where necessary with matching materials. Removal shall only occur in cases of substantial deterioration and every effort shall be made to replicate removed elements with materials and design matching the original;
- B. All replacement materials shall be similar to the original materials of the detail or ornamentation in question or be appropriate to the style of the building;
- C. Removal of existing brick chimneys and replacement with metal or other materials is not permitted.

#### Exterior Siding

- A. Exterior metal wall sheeting is not permitted;
- B. Replacement of existing exterior wood siding and corner boards shall be with new wood to match original wood;
- C. In no case shall an historic brick or stone building be covered with any type of siding.

#### Windows and Doors

- A. Existing windows and doors shall be retained and repaired as needed. Repair or replacement of deteriorated window and door elements should imitate the original elements in dimension, profile, size, shape, arrangement and pattern. Window and door repair must reuse as much of the original material as possible;
- B. When window and door replacement is unavoidable, new units should match original design as closely as possible;

- C. The installation of modern picture windows, bay windows, or other openings not in scale with the building shall not be installed on the main or side facades. The addition of large windows or walk-out (i.e., sliding) glass doors on the rear facade or side facades which are not readily visible is discouraged but permitted;
- D. The use of glass block in foundation windows is not permitted on front or readily visible side facades.

#### Building Roofs

- A. Historic roof materials, such as metal or slate shall be retained, maintained and repaired when necessary. They should not be replaced just to match any new construction if not deteriorated;
- B. The application of composition shingles to replace deteriorated composition or metal standing seam roofs is acceptable;
- C. Roof forms and pitch shall not be altered on the main facade. Alterations shall not occur on side facades where such alterations would be visible from the street. Alterations in the rear one-half to one-third of a building may be allowable if not readily visible from the major street facade(s). In no instance should more than one-story be added to any existing building;
- D. Original box gutters shall be retained and maintained, or repaired or replicated;
- E. If soffits are damaged, they should be repaired or replaced with wood or solid non-vinyl materials to replicate the original materials;
- F. Skylights are permitted as long as they are located in the rear one-third to one-half of a building depending on visibility from the street facade(s).

#### New Construction and Additions

- A. Proposed new construction or additions to existing structures shall be designed to be consistent with existing buildings within the same street block. The developer or builder shall submit architectural plans for review by the Technical/Design Review Committee. The Committee may contract with a registered architect to help review the proposal according to the following detailed standards:
- B. The height of new construction shall be compatible with existing structures on the block;
- C. The floor area of new construction shall be compatible with existing structures on the block;
- D. New construction shall be compatible with existing structures on the block in terms of number and spacing of window and door openings;
- E. Materials of new construction shall be compatible with existing buildings on the block. The texture and color of brick or wood siding should be carefully considered to ensure compatibility with existing buildings. Frame buildings should maintain materials and design found throughout the community;
- F. Roofs for new construction should be consistent with existing structures on the

block. New construction may have roofing which changes roof lines in the rear one-half or one-third of the building in a stepped fashion if not readily visible from the major street facade(s);

- G. Siding of new construction shall be compatible with existing buildings on the block. Traditional or new technological materials that replicate traditional materials should be used instead of vinyl or aluminum siding. Painted concrete block should not be used;
- H. Exposed concrete foundations or retaining walls shall be faced with brick or stone, screened, or painted to complement the rest of the building. Interlocking block with opportunity for vines or ground cover vegetation is encouraged for retaining wall applications;
- I. HVAC and other mechanical equipment must be screened or camouflaged from public view whether on roof or ground;
- J. Additions to historic buildings in the Small Community Overlay Zone must conform to the setback requirements listed above. Additions to historic buildings shall not occur on a main facade or readily visible side facade. Additions shall follow existing roof lines, trim lines, material and massing of the building.

### **Conclusions and Next Steps**

This Plan contains many detailed recommendations. To achieve them, they will need to be prioritized and spread out over time. Many of these put responsibilities on the Boone County Fiscal Court and will have to be evaluated in terms of fiscal resources and timing issues. This Plan recommends that during late 2002, and early 2003, a public process be implemented through the Planning Commission that prioritizes the entire list of recommendations in a way that could lead to a future capital improvements program.

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)

- (Check One)
- Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
  - (Check One)  
 Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use
  - Applicant's Name DARREN SPAHR  
Applicant's Address 32 RIDGEVIEW DR.  
DRY RIDGE KY 41035  
City State Zip
  - Phone Number 859 242 3733 Fax No. \_\_\_\_\_ E-Mail DSPAHR@DSPAHR.COM
  - Description of Request: CONSTRUCT ROOF STRUCTURE OVER EXISTING OUTSIDE DINING.
  - Name of Development WASHINGTON SQUARE CAFE
  - Location of Development 5981 N. JEFFERSON ST.  
BURLINGTON, KY 41005
  - Acreage Under Review .11 ACRES.
  - Lot Number and Name of Subdivision (if part of a subdivision)  
TOWN OF BURLINGTON
  - Owner of Property Rae-Jo LLC - Shell, J. Allen  
Address of Property Owner 3684 AKIN LANE  
Burlington KY 41005  
City State Zip
  - Phone Number 859-512-7025 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
  - Proposed Use(s) on Site SAME - OUTSIDE DINING
  - Total Square Footage of Existing and/or Proposed Buildings 1209 + 900 CANOPY
  - Current Zoning on Property SR-Z/SC
  - Deed Book D941 Page No. 756 Group No. 2024
  - Is the site subject to a zone change? NO  
If yes, give date of approval \_\_\_\_\_
  - Have you submitted a Site Plan with this request? YES
  - Have you submitted a list of adjoining property owners with this request? YES
  - 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: Rae-Jo LLC  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

RECEIVED  
75103  
MAR 21 2017  
BOONE COUNTY PLANNING COMMISSION

**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 3-21-17 Fee Received \$ 782.00 Receipt # 75/03
2. Is application complete?  Yes  No
3. Staff Reviewer KEDIN WALKER
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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.**



COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Rae-Jo LLC - Shelli J. Allen  
3684 Akin Lane  
Burlington, KY 41005

2. ADDRESS OF PROPERTY

5981 N. Jefferson Street  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Washington Square Café

4. DEED BOOK 941

PAGE NO. 756

GROUP NO. 2024

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

Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat  
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Kevin T. Wall, AICP CDT – Director, Zoning Services  
Name and Title of Completing Official

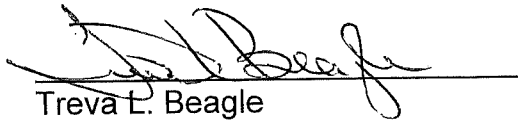
Copy

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Kevin T. Wall

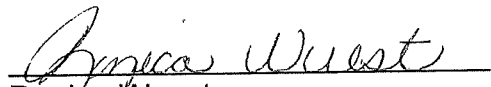
on behalf of the Boone County Planning Commission this 13 day of April, 2017.



Treva L. Beagle  
Notary ID 499309  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2017

This instrument was prepared for recording purposes only by:



Ronica Wuest  
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 Variance approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of April 12, 2017 Certificate of Land Use Restriction (#17-BCBOA-003-A), for Washington Square Cafe, Property Owner(s).

The following conditions will apply:

- 1. The design of the canopy addition shall follow the submitted elevation drawings for "Canopy B" (shed roof with secondary gable option).**
- 2. A Sidewalk connection shall be provided between the gate at the northeast corner of the seating area enclosure and public sidewalk along North Jefferson Street.**

The approved variance as well as the preceding conditions apply to the property described in:

DEED BOOK 941

PAGE NO. 756

GROUP NO. 2024