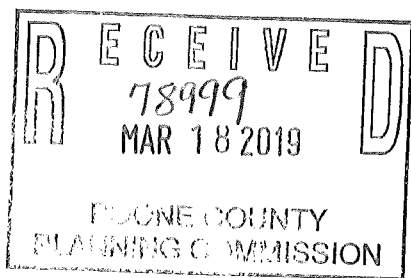


APPLICATION FORM



**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)
1.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- (Check One)
2. \_\_\_\_\_ Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
 Change in Non-Conforming Use
3. Applicant's Name Stephen Lucas  
 Applicant's Address 8885 E Bend Rd  
Burlington Ky 41005  
 City State Zip  
 Phone Number 859-412-0360 Fax No. \_\_\_\_\_ E-Mail rubutcher@gmail.com
  4. Description of Request: Remove existing barn structure upon completion of new pole barn structure, within 6 months.
  5. Name of Development na
  6. Location of Development 8885 East Bend Rd. Burlington, Ky, 41005
  7. Acreage Under Review .4592
  8. Lot Number and Name of Subdivision (if part of a subdivision)  
na
  9. Owner of Property Stephen Lucas  
 Address of Property Owner Stephen Lucas
  10. Burlington Ky 41005  
 City State Zip  
 Phone Number 859-412-0360 Fax No. \_\_\_\_\_ E-Mail rubutcher@gmail.com
  11. Proposed Use(s) on Site garage/storage
  12. Total Square Footage of Existing and/or Proposed Buildings Existing = 600 ft<sup>2</sup> new = 1,200 ft<sup>2</sup>
  13. Current Zoning on Property C-3
  14. Deed Book D1071 Page No. 597 Group No. 2044
  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:** Stephen Lucas  
 (Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:** Stephen Lucas  
 (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 3/18/19 Fee Received \$132.00 Receipt # 78999
2. Is application complete?  Yes  No
3. Staff Reviewer M. S. Smith
4. Scheduled Board Action Date 4/10/19
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.**

## STAFF REPORT

#4

APPLICANT: Stephen Lucas

LOCATION: 8885 East Bend Road, Burlington, Kentucky

ZONING: Commercial Services (C-3)

DATE: April 10, 2019

### PROPOSAL

The applicant is requesting a Change in Nonconforming Use to allow the removal of an existing 713 square foot accessory structure and replace it with a 1,200 square foot accessory structure on property located at 8885 East Bend Road.

### SITE HISTORY

Prior to

1949 Based on information contained in the Boone County GIS, the house and accessory structure were constructed on the site

2010 On July 20, 2010, the Boone County Planning Commission approved the Division of the Loudon Estate Property

2014 On September 11, 2014, the Boone County Planning Commission approved a Conveyance Plat creating a lot to the west of the site and leaving the site as a remainder

### APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant changes in nonconforming uses as specified in this order.
- B. Section 273 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications to permit a change from one nonconforming use to another. In reviewing such applications, the Board:
  1. Shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use.
  2. Shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the

original nonconforming use.

- C. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.
- D. Kentucky Revised Statute (KRS) 100.253 (2), reads as follows: "The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons."
- E. Section 1030 of the Boone County Zoning Regulations states that "the purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.
- F. Section 4000 of the Boone County Zoning Regulations defines an accessory use or structure as "a use or structure on the same lot as the principal use or structure and is subordinate and secondary in area, extent and purpose to the principal use or structure in which it serves. An accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure."
- G. Section 3153 of the Boone County Zoning Regulations requires accessory structures or uses to be placed in the side or rear yard only, and be no closer than

five (5) feet to any property line.

### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The 2010 Boone County Comprehensive Plan's 2035 Future Land Use Plan designates the site in question for "Rural Density Residential" uses. This designation is defined as low density residential uses of up to one dwelling unit per acre.
- B. The following 2017 Boone County Comprehensive Plan's Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Maintenance of sound existing housing and rehabilitation of deteriorating housing shall be encouraged and incentivized (Demographics Goal B, Objective 2).

Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock. (Demographics Goal B, Objective 3).

- C. East Bend Road is identified as an arterial street, providing for two-way traffic within two driving lanes (one lane in each direction). There are no sidewalks along East Bend Road.

### SITE CHARACTERISTICS

- A. The approximate 0.46 acre property is located along the west side of East Bend Road, directly across from Beech Grove Road.
- B. The site is currently occupied by a detached single-family residential dwelling and an accessory structure.
- C. Access to the site is from a thirty (30) foot wide access and utility easement that runs off of East Bend Road.

### SURROUNDING LAND USES AND ZONING

North: Single-family residential (C-3)

South: Smith Welding and Fabrication (C-3)

East: Single-family residential (A-1)

West: Vacant/undeveloped land (C-3)

PROPOSED DEVELOPMENT

- A. The applicant is proposing the following:
  - 1. Removal of the existing 713 square foot accessory structure.
  - 2. Construction of a new 1,200 square foot accessory structure.

STAFF COMMENTS

- A. The location of the proposed accessory structure will meet the minimum setback requirements of the Boone County Zoning Regulations.
- B. A structure, used by the welding and fabrication business, having an area of approximately 2,100 square feet, is located to the south of the site.
- C. In reviewing the submitted application, the applicant should address, and the Board must find, that the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the previous nonconforming use.
- D. The Board must find that the new nonconforming use is not an increase or enlargement over the previous nonconforming use and that the new nonconforming use is not occupying a greater land area than was occupied by the previous nonconforming use.

CONCLUSION

KRS 100.253 and Section 273 of the Boone County Zoning Regulations gives the Boone Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Michael D. Schwartz  
Planner

MDS/ss

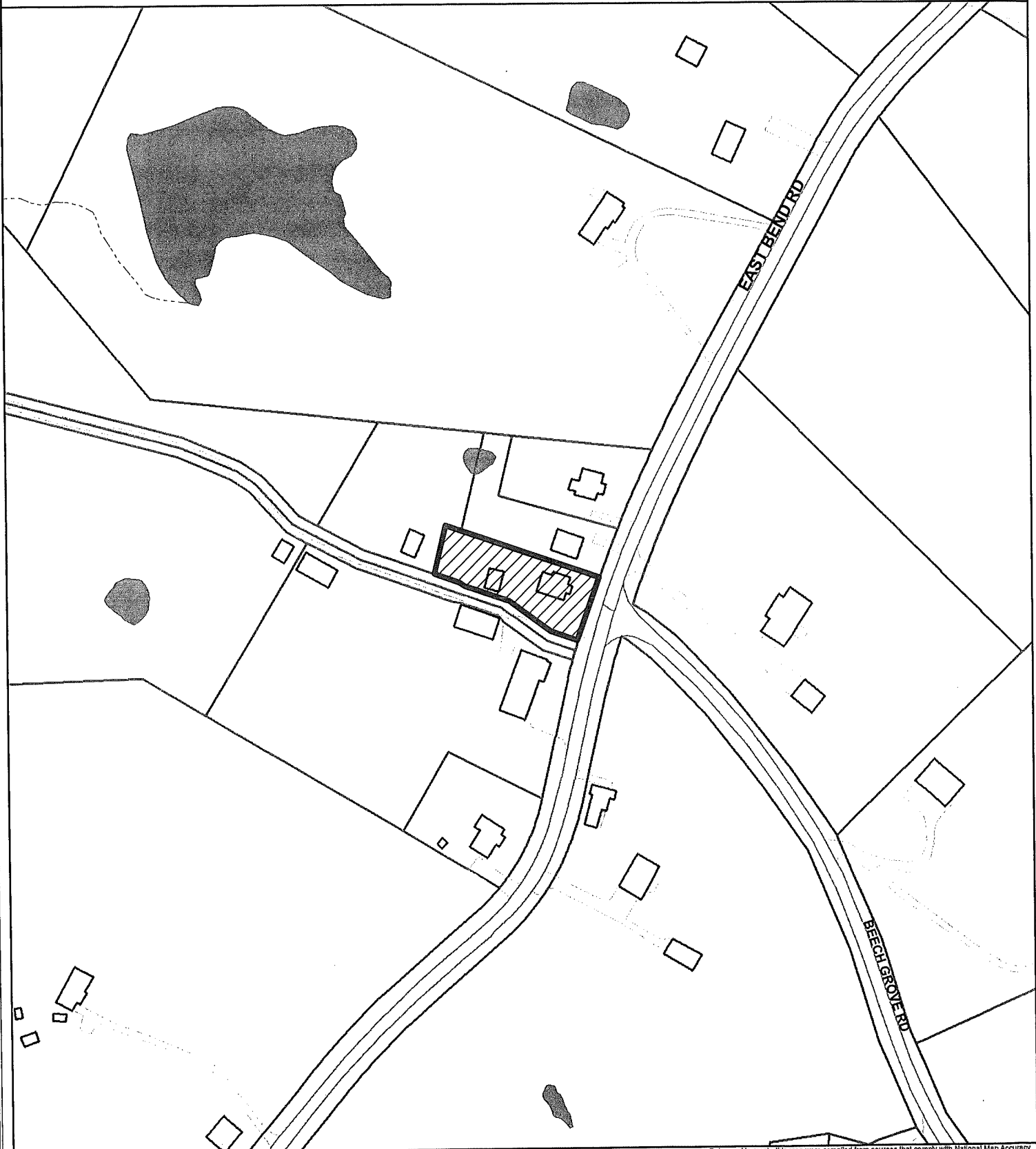
Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Zoning Map
- \*Topographic Map
- \*2035 Future Land Use Map

- \*2010 Plat
- \*Application
- \*Plot Plan

# Vicinity Map

www.boonecountygis.com



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1 inch = 200 feet



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



Map Created: 01/01/2018

Map Document: \*.mxd

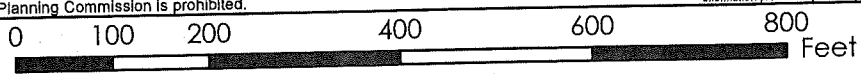
# Aerial Map

www.boonecountygis.com



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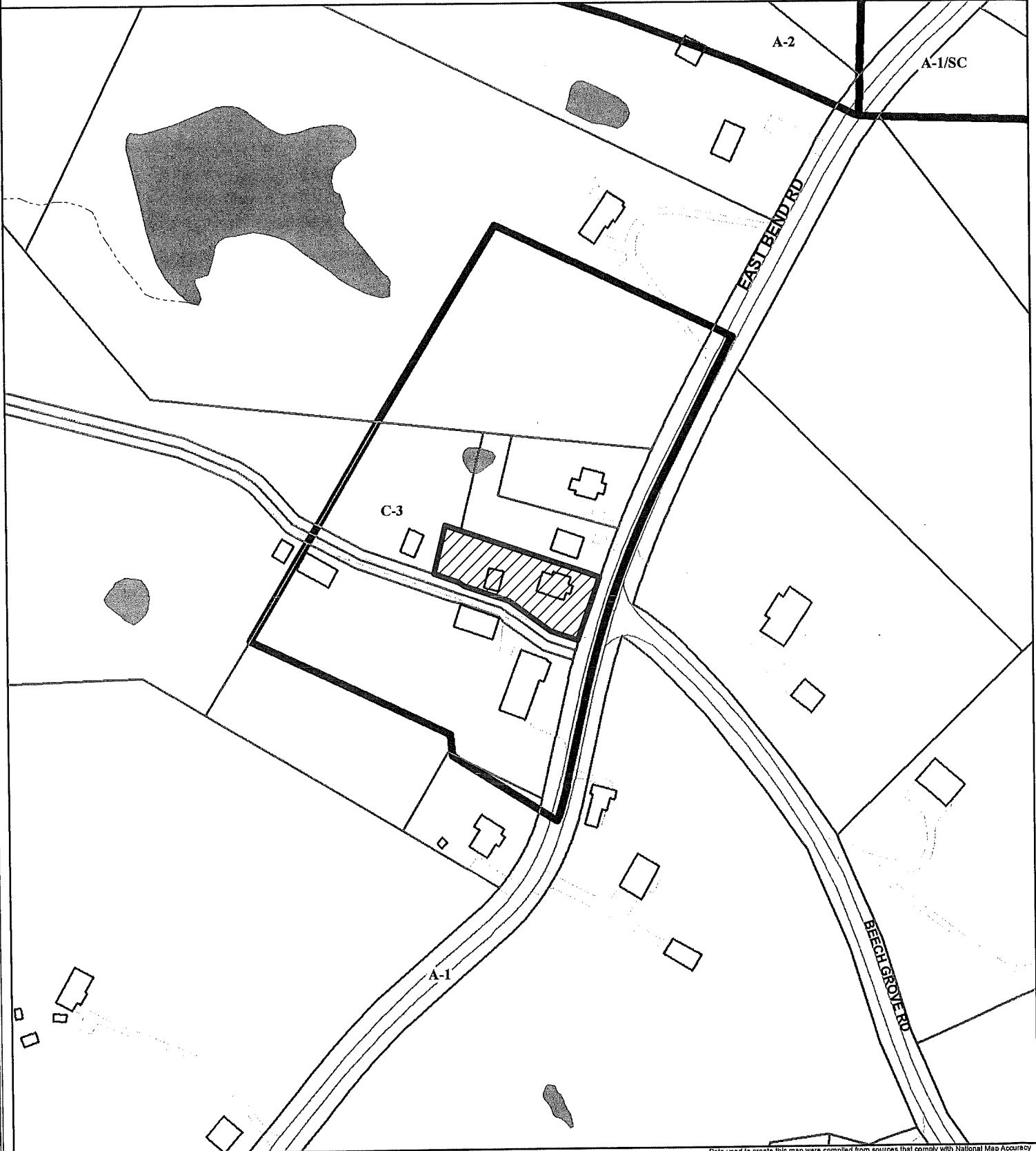
**Boone County GIS - Putting Northern Kentucky on the Map**



Boone County GIS  
ArcMap Document: \*.mxd

# Zoning Map

www.boonecountygis.com



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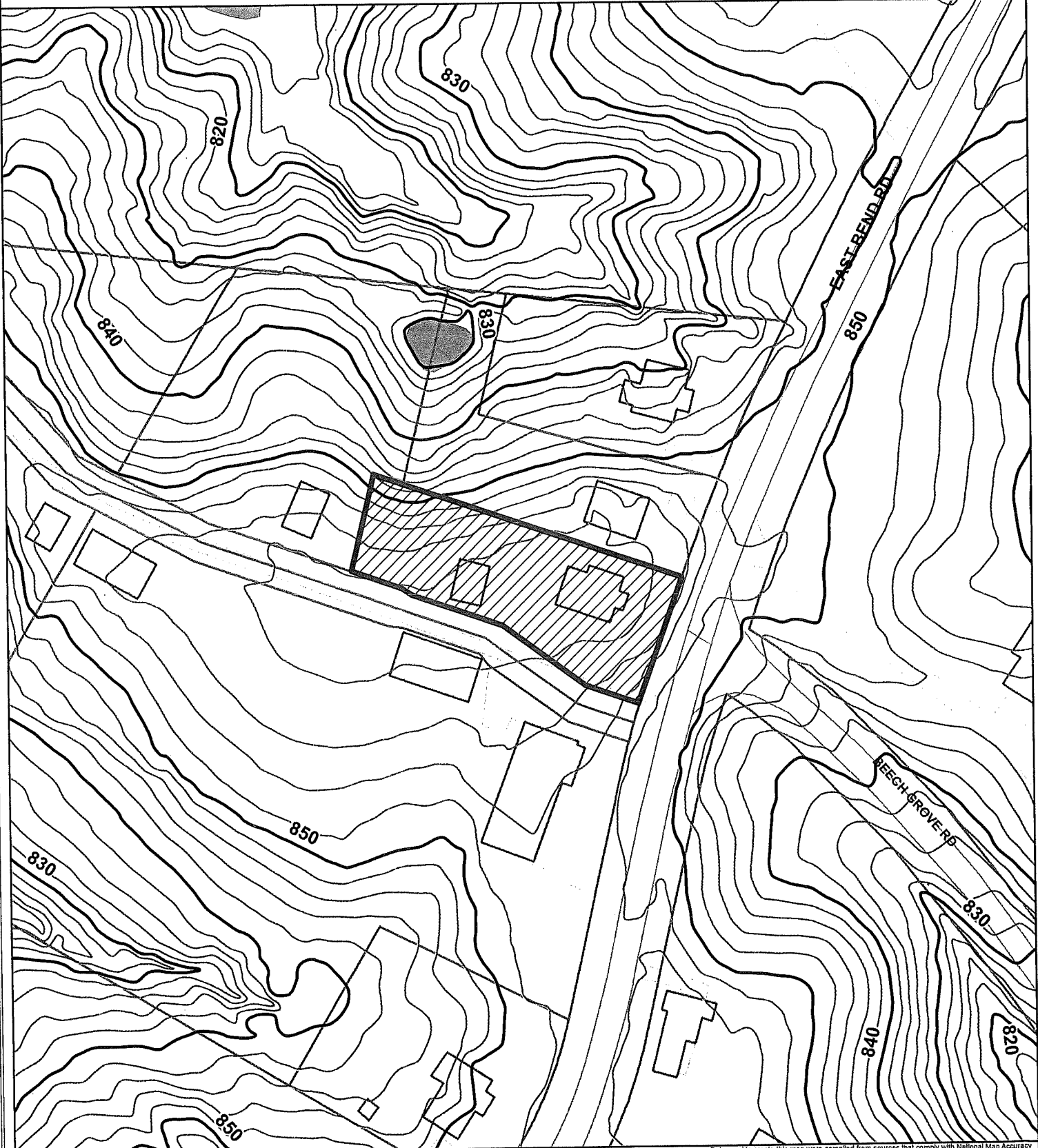


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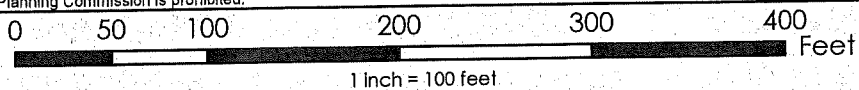
# Topographic Map

www.boonecountygis.com



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Map Created: 01/01/2018

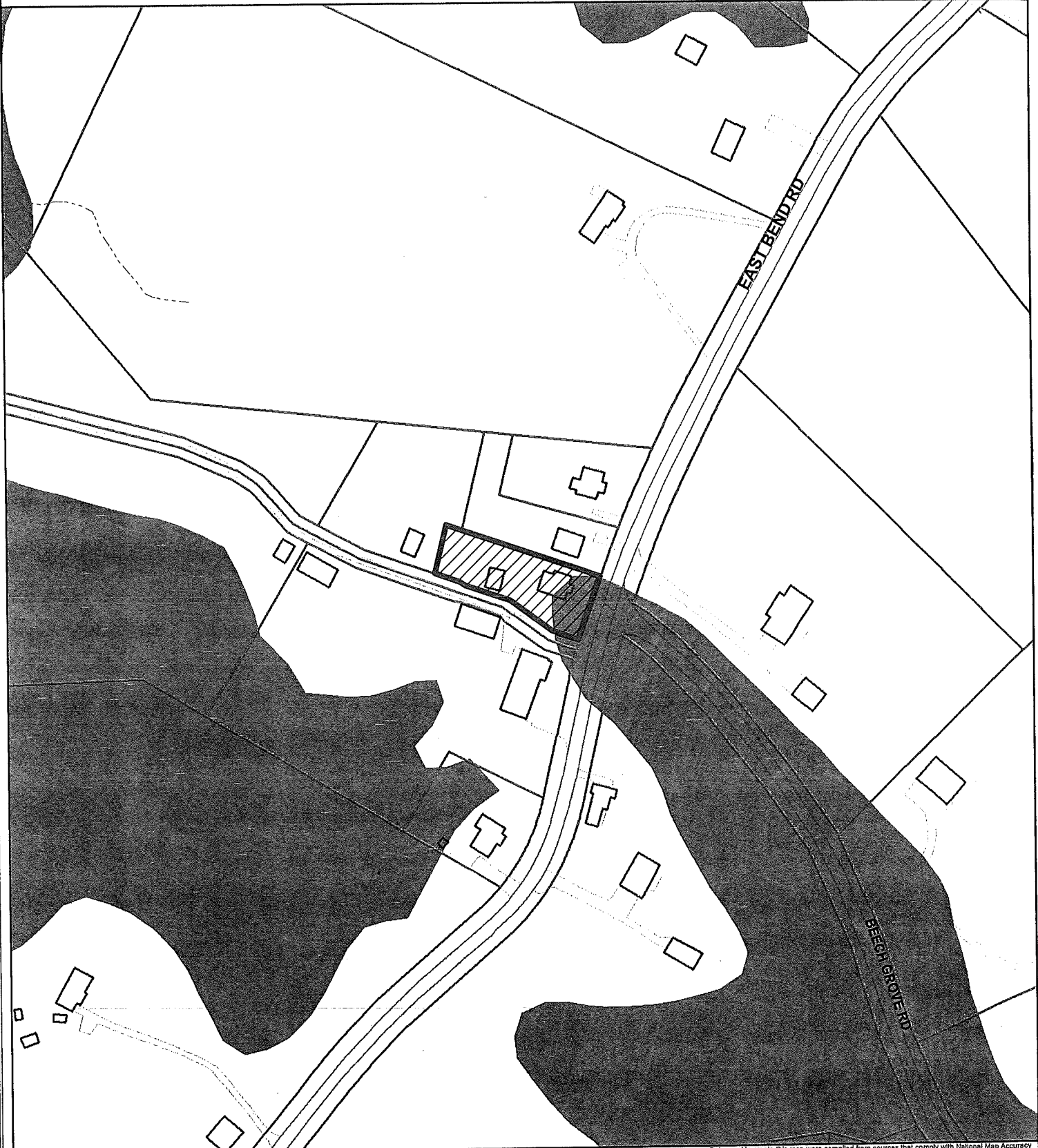
**Boone County GIS - Putting Northern Kentucky on the Map**



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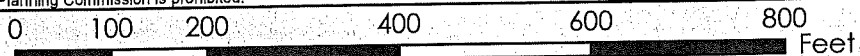
# 2035 Future Land Use Map

www.boonecountygis.com



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1 inch = 200 feet



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



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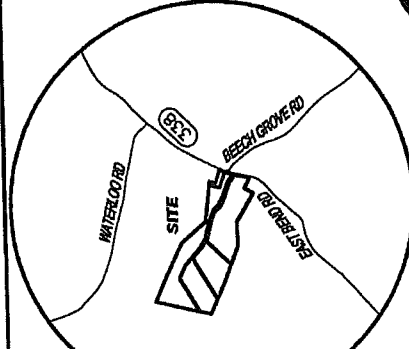
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ArcMap Document: \*.mxd

**DIVISION OF THE LOUDEN ESTATE PROPERTY**  
**BOONE COUNTY KENTUCKY**  
**WEST SIDE OF EAST BEND ROAD**  
**SOUTH OF WATERLOO ROAD**  
**JULY 13, 2010 SCALE: 1"=200'**

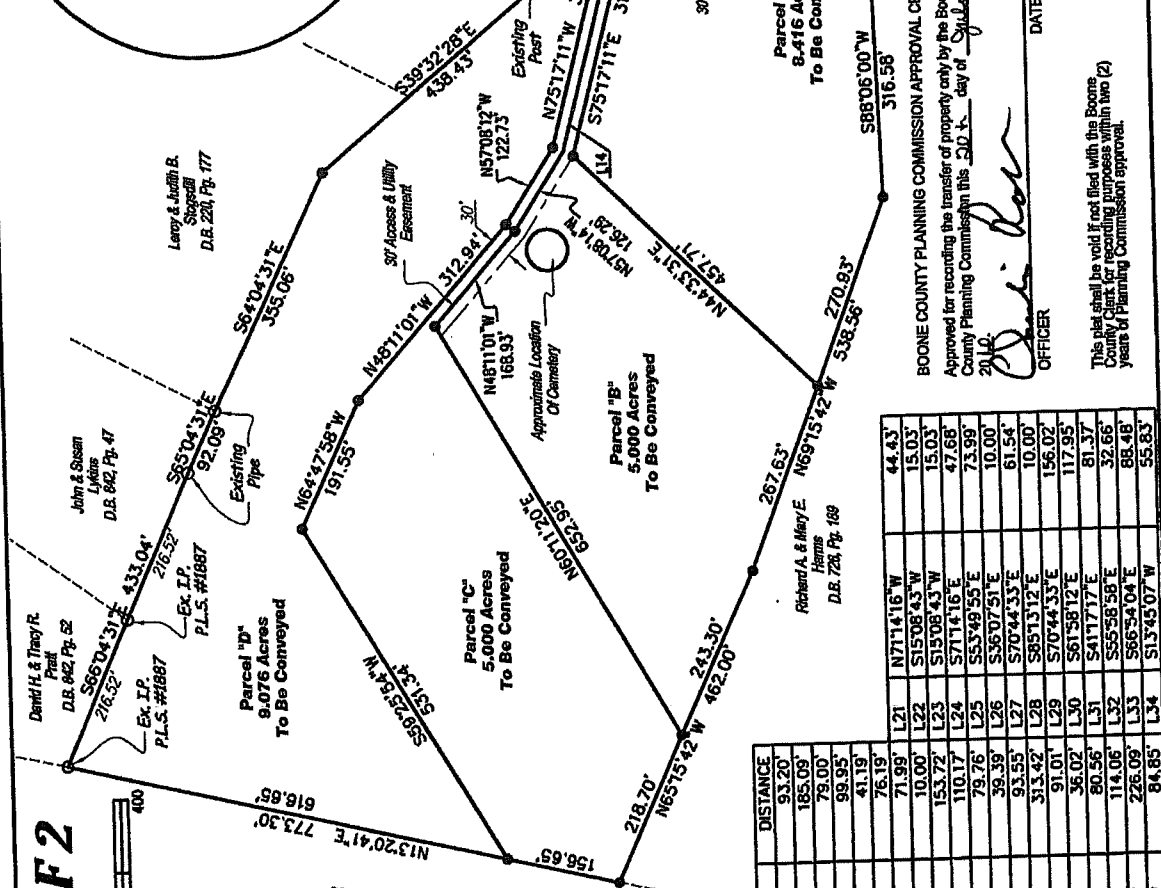
Owner:  
 Louden Estate  
 8827 East Bend Road  
 Burlington, KY 41005



**VOIX & VIOX**  
 Civil Engineers, Surveyors, and Landscapes Architects  
 468 Ettinger Road • Ettinger, Kentucky 41918  
 Ph (609) 727-3263 • Fax (609) 727-9452 • www.vioinc.com

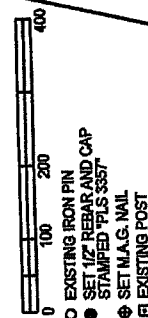


VICINITY MAP  
 SCALE: 1"=2000'  
 ZONE A-1/C-3  
 GROUP NO. 2044



P & Z Code No. 4888

**PAGE 1 OF 2**



- EXISTING IRON PIN
- SET 1/2" REBAR AND CAP STAMPED "PLS 3357"
- ⊕ SET M.A.G. NAIL
- ⊞ EXISTING POST

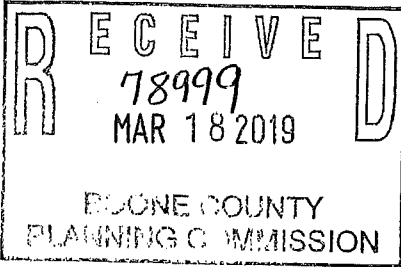
Coffard E. & Allen Scott  
 et al  
 D.B. 261, Pg. 112

LINE	BEARING	DISTANCE
L1	S13°45'01"W	93.20'
L2	S74°33'23"E	185.09'
L3	S21°03'14"W	79.00'
L4	S18°42'16"W	99.95'
L5	N71°14'16"W	41.19'
L6	N53°49'55"W	76.19'
L7	N70°44'33"W	71.99'
L8	N56°15'54"W	10.00'
L9	N70°44'33"W	153.72'
L10	N61°58'12"W	110.17'
L11	N41°17'17"W	78.76'
L12	N55°58'58"W	38.39'
L13	N66°34'04"W	93.55'
L14	N25°17'11"W	313.42'
L15	N66°34'04"W	91.01'
L16	N57°58'58"W	36.02'
L17	N41°17'17"W	80.56'
L18	N61°58'12"W	114.06'
L19	N70°44'33"W	226.09'
L20	N53°49'55"W	84.85'
L21	N71°14'16"W	44.43'
L22	S15°08'43"W	15.03'
L23	S15°08'43"W	15.03'
L24	S71°14'16"E	47.66'
L25	S53°49'55"E	73.99'
L26	S30°07'51"E	10.00'
L27	S70°44'33"E	61.54'
L28	S85°13'12"E	10.00'
L29	S70°44'33"E	156.02'
L30	S61°58'12"E	117.95'
L31	S41°17'17"E	81.37'
L32	S55°58'58"E	32.66'
L33	S66°34'04"E	88.48'
L34	S13°45'07"W	55.83'

Boone County Planning Commission Approval Certificate  
 Approved for recording the transfer of property only by the Boone County Planning Commission this 20th day of July 2010.

This plat shall be void if not filed with the Boone County Planning Commission within two (2) years of Planning Commission approval.

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 [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_
Change in Non-Conforming Use [checked]
3. Applicant's Name Stephen Lucas
Applicant's Address 8885 E Bend Rd
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12. Total Square Footage of Existing and/or Proposed Buildings Existing = 1600 ft^2 new = 1,200 ft^2
13. Current Zoning on Property C-3
14. Deed Book D1071 Page No. 597 Group No. 2044
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)

**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 3/18/19 Fee Received \$132.00 Receipt # 78999
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

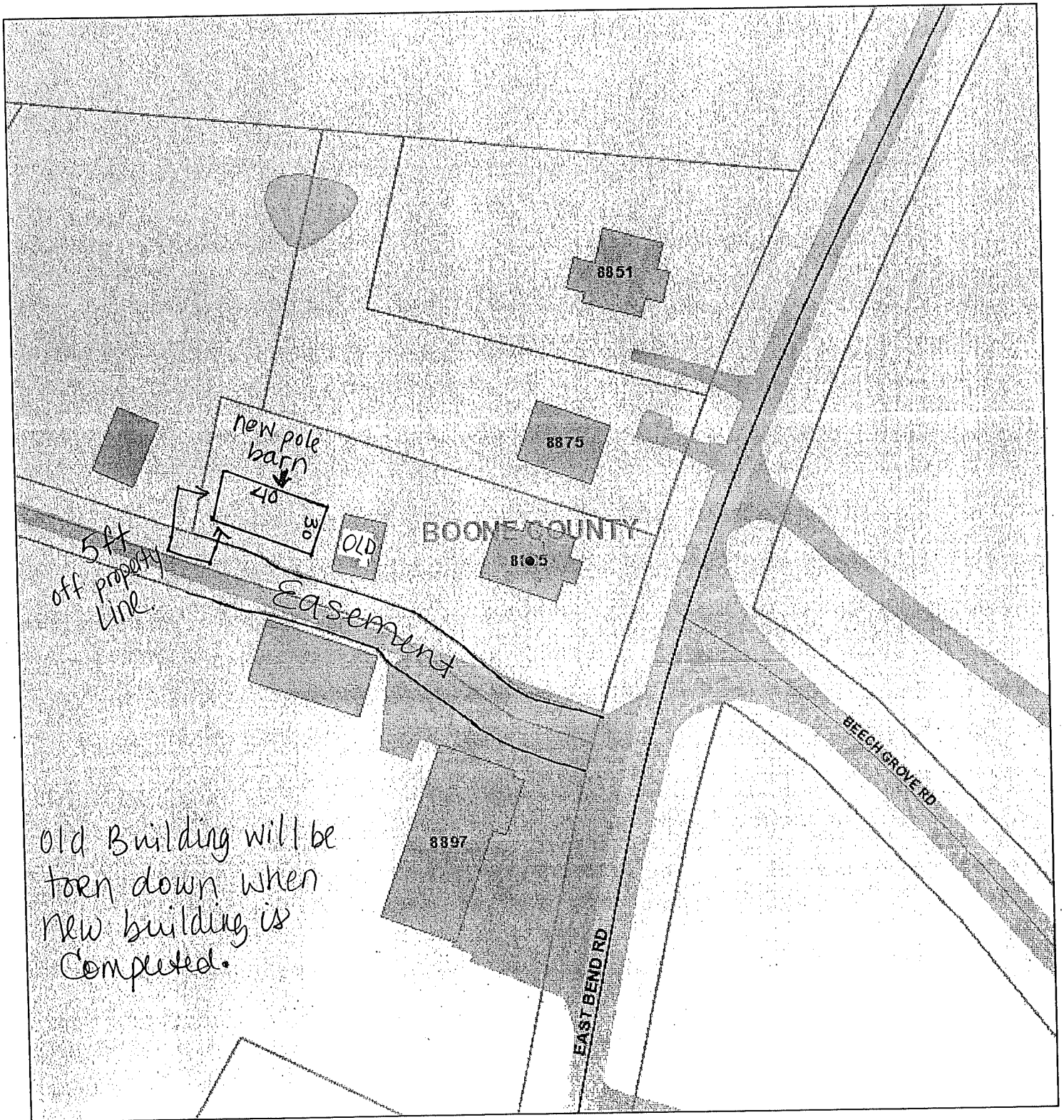
**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page**

**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.

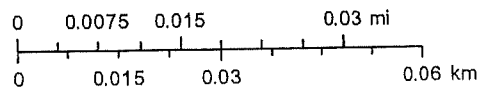
An application consists of all fees paid in full, submitted drawings and a completed application form.

# Boone County, Kentucky



3/13/2019, 9:00:43 AM

1:1,128



- |                      |                     |                    |
|----------------------|---------------------|--------------------|
| County Boundary      | Access Ramp         | Tax Parcels        |
| Site Number Labels   | Residential Streets | Parcel Tract Lines |
| <b>Major Streets</b> | Railroad Lines      | Runways            |
| Interstate           | All Streets (FT)    | Runway Numbers     |
| Arterial             | All Streets (TF)    |                    |
| Collector            | Building Footprints |                    |

GIS Services Division, Boone County Planning Commission

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Stephen Lucas  
8885 East Bend Road  
Burlington, KY 41005

2. ADDRESS OF PROPERTY  
8885 East Bend Road  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Stephen Lucas

4. DEED BOOK 1071 PAGE NO. 597 GROUP NO. 2044

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

Zoning Map Amendment:  
From  To

Conditional Use Permit

Development Plan

Conditional Zoning


Subdivision Plat  
(Not Recorded)

Other: Change in non-conforming Use

Variance

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

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

  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

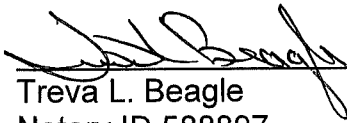
Michael D. Schwartz - Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

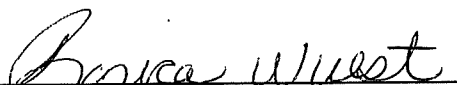
Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

on behalf of the Boone County Planning Commission this 11 day of April, 2019.

  
\_\_\_\_\_  
Treva L. Beagle  
Notary ID 588897  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2021

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.)