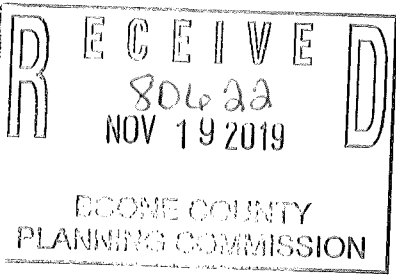


APPLICATION FORM



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
2. Conditional Use Permit Variance Appeal
3. Applicant's Name MAILE, TERULVE AND GRAY, RICH MAILE
4. Description of Request: BUILD A ROOF OVER THE EXISTING SIDE PORCH AT TOUSEY HOUSE TAVERN
5. Name of Development TOUSEY HOUSE TAVERN
6. Location of Development 5963 JEFFERSON ST. BURLINGTON, KY 41005
7. Acreage Under Review .27/AC
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot PT 31, 32 BURLINGTON (BN1-5-9) Plat ID: 1-112
9. Owner of Property BBRW, LLC - (GEORGE AND MARY ANN WAINSCOTT)
10. Ft. Mitchell KY 41017
11. Proposed Use(s) on Site RESTAURANT
12. Total Square Footage of Existing and/or Proposed Buildings Existing Bldg = 1985 sq ft EXISTING PORCH 960 sq ft
13. Current Zoning on Property SR-2/SC
14. Deed Book 936 Page No. 709 Group No. 2024
15. Is the site subject to a zone change? No
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: George F Waincott (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: R Maile (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 11/19/19 Fee Received 782.00 Receipt # 80622
- 2. Is application complete? Yes No
- 3. Staff Reviewer M. Schwartz
- 4. Scheduled Board Action Date 12/11/19
- 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 - 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

#3

APPLICANT: Maile, Tekulve, and Gray, per Rich Maile, on behalf of BBRW, LLC, per George and Mary Ann Wainscott

LOCATION: 5963 Jefferson Street, Boone County, Kentucky

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

DATE: December 11, 2019

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow the construction of a roof structure over an existing deck of a restaurant on an approximate 0.3 acre property located at 5963 Jefferson Street.

SITE HISTORY

- 1822 The original structure was built.
- 1987 On August 12, 1987, the Boone Board of Adjustment approved a Conditional Use Permit allowing a single family residence to be converted into an office and apartment (BCBOA 8-12-87).
- 1998 On August 12, 1998, the Boone Board of Adjustment approved a Conditional Use Permit allowing the building to be converted into a restaurant, subject to the condition which prohibited inappropriate additions on the property that would affect the historic and architectural characteristics of the building (BCBOA 98-015).
- 2007 On November 14, 2007, the Boone Board of Adjustment approved a Conditional Use Permit to allow deck additions and a future kitchen addition, subject to the following conditions: (1) the kitchen addition shall be reviewed and approved by the Boone County Historic Preservation Review Board in terms of the Secretary of the Interior Standards for Rehabilitation; (2) all umbrellas set up on the decks shall not have any text or advertisements; (3) the development shall not have any neon window signage; (4) the dumpster in the Nicholson Avenue right-of-way shall be enclosed; and (5) the northern and western property lines shall be screened with a solid evergreen hedge (BCBOA 07-016).

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 conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 2012 of the Boone County Zoning Regulations.

1. Findings listed in Section 262 (Findings for all Conditional Uses):
 - a. 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;
 - b. 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;
 - c. Will not be hazardous to existing or future neighboring uses;
 - d. 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;
 - e. 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;
 - f. 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;
 - g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

2. Criteria listed in Section 2012 of the Boone County Zoning Regulations (SC Overlay District):
 - 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.

- C. Section 2010 of the Boone County Zoning Regulations identifies eating and drinking places including alcoholic beverages, excluding franchise style fast food establishments, as a permitted use within the SC Zone. Section 2012 of the Boone County Zoning Regulations states that the above use shall be a conditional use if it is located within an existing building greater than 2,500 square feet, requires more than ten parking spaces, or requires any major exterior alterations or additions which increase the size of use or structure.
- D. Section 2000 of the Boone County Zoning Regulations states that “The intent of this article is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well. The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers.”
- E. Section 271 of the Boone County Zoning Regulations states that “when an addition is proposed for a pre-existing structure that does not meet the setback requirements, the addition may be located along the non-conforming building line established by the existing structure, but may not encroach into such non-conforming setback unless a Variance is granted by the Board of Adjustment and Zoning Appeals.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Commercial” uses, which is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- B. The following Our Boone County Plan 2040 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).

Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

The existing local historic landmark and district process should be utilized (Natural and Cultural Resources Goal C, Objective 5).

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 cultural resources (Natural and Cultural Resources Goal C, Objective 8).

Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).

SITE CHARACTERISTICS

- A. The approximate 0.3 acre property is located at the northwest corner of the intersection of Jefferson Street with Nicholson Avenue.
- B. The site is currently occupied by an approximate 7,200 square foot commercial building and off-street parking lot.
- C. The original building is constructed primarily with brick and the rear addition is constructed of wood siding.

SURROUNDING LAND USES AND ZONING

- North: Single family dwelling (SR-2/SC)
- South: The Marian Historic Venue (SR-2/SC)
- East: Look What I Found Antiques and Pre-Paid Legal Services (SR-2/SC)
- West: Single family dwelling (SR-2/SC)

STAFF COMMENTS

- A. The staff for the Historic Preservation Review Board has concluded that the proposed addition meets the Design Standards for New Construction and Additions in the Burlington Town Strategic Plan in terms of architectural design, setback, massing, materials, and roof line.
- B. The proposed addition will be located very close to an existing mature tree on the adjacent property. The applicant should address what steps will be taken to ensure that the proposed addition will not damage the tree or its root system.

CONCLUSION

KRS 100.237 and Section 220 of the Boone County Zoning Regulations give the Boone County 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
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *Application
- *Concept Development Plan

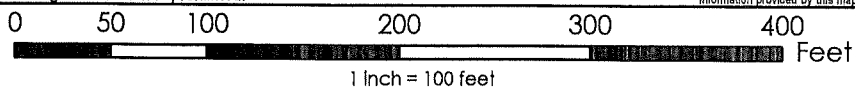
Vicinity Map

www.boonecountygis.com



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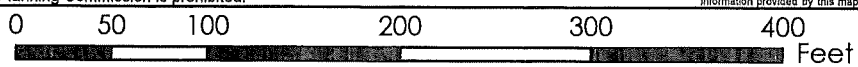
Aerial Map

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1 Inch = 100 feet



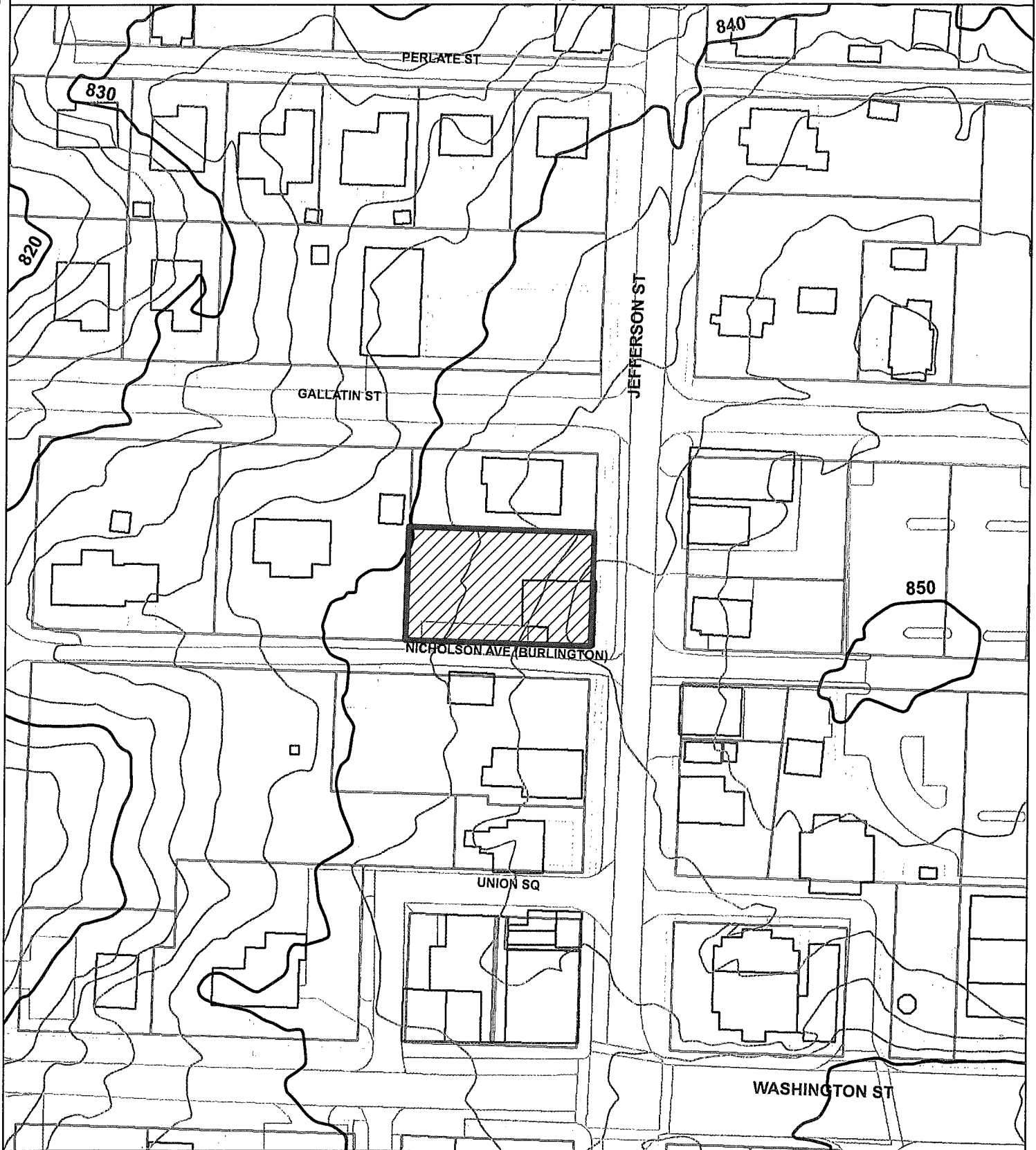
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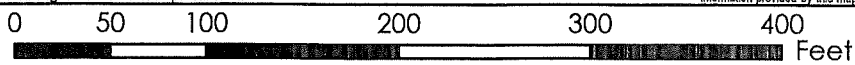
Topographical Map

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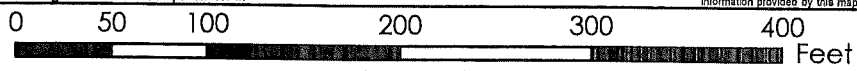
Zoning Map

www.boonecountygis.com



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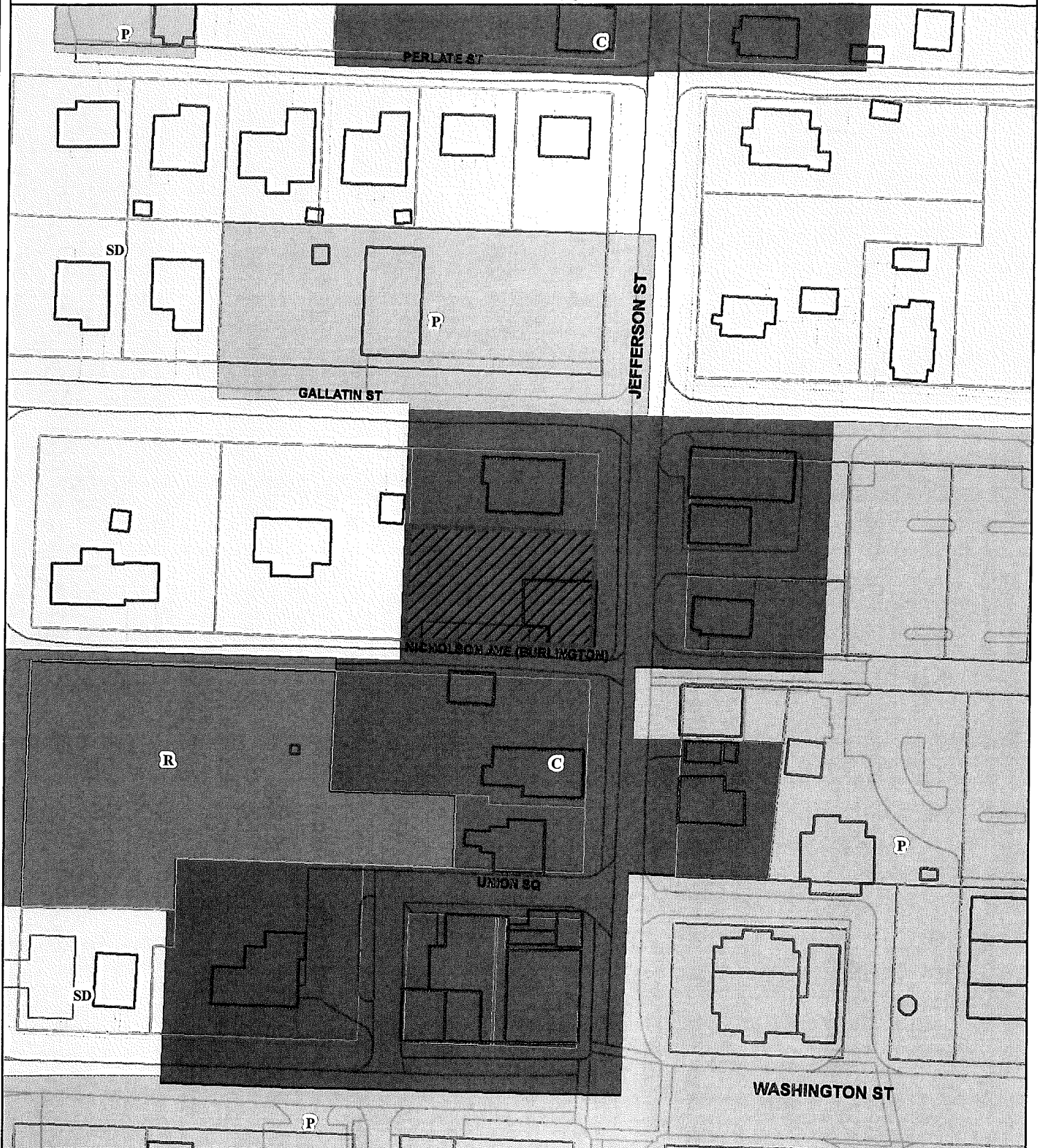
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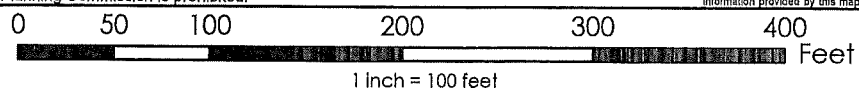
2040 Future Land Use Map

www.boonecountygis.com

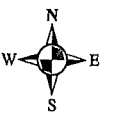


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Boone County GIS - Putting Northern Kentucky on the Map



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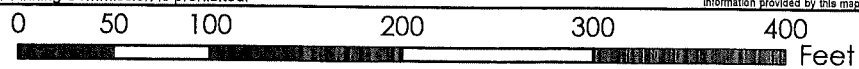
Noise Contour Map

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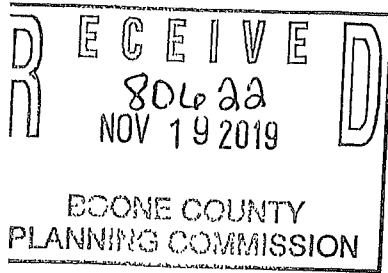
1 Inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



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

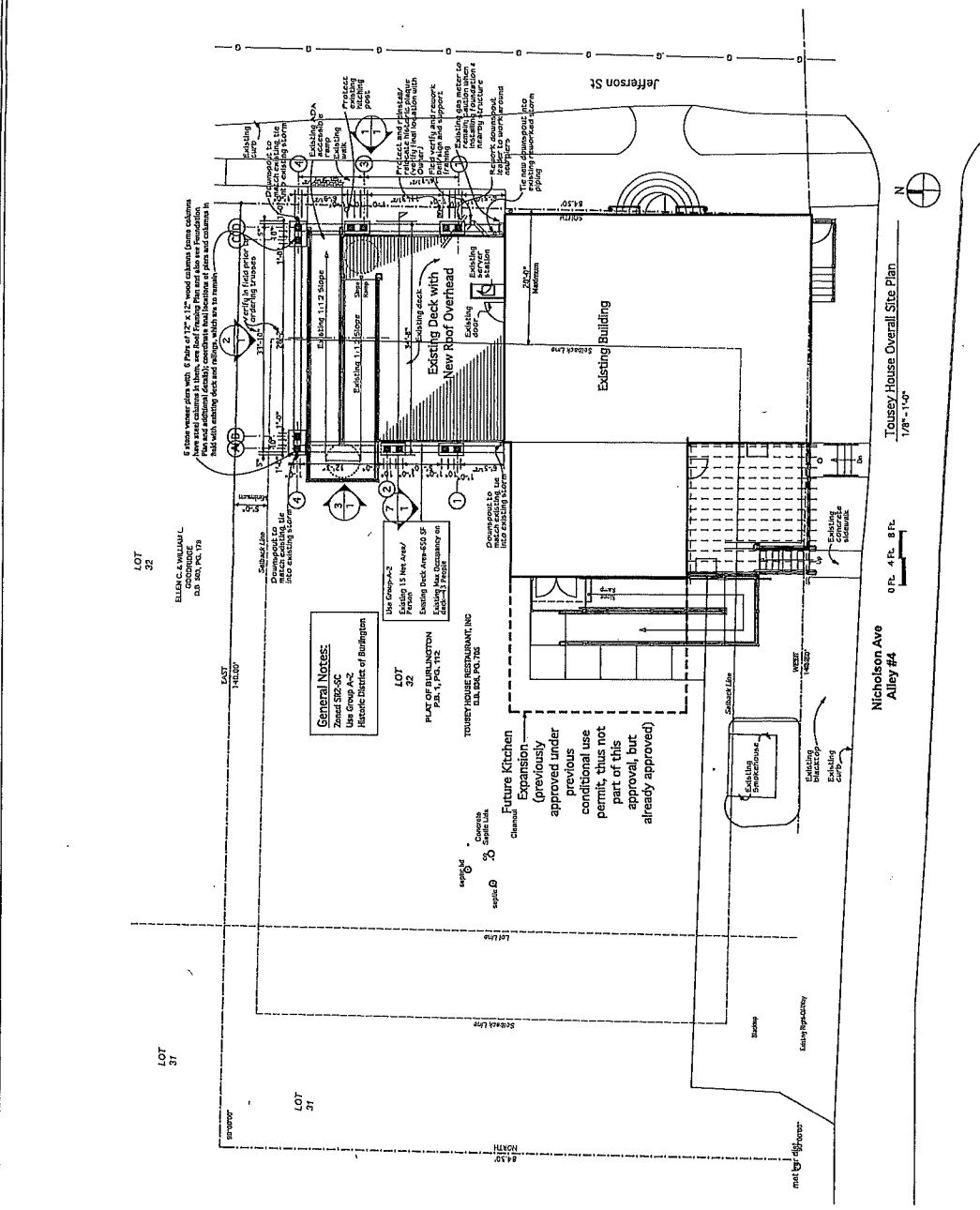
SECTION A (To be completed by applicant)

- (Check One) Boone [checked] Florence _____ Walton _____ Union _____
(Conditional Use Permit [checked] Variance _____ Appeal _____
Applicant's Name MAILE, TEKULVE AND GEARH RICH MAILE
Applicant's Address 519 ENTERPRISE DRIVE CRESCENT SPRINGS KY 41017
Phone Number 859-750-5213 Fax No 859-578-6632 E-Mail RICHM@MAILEBUILD.COM
Description of Request: BUILD A ROOF OVER THE EXISTING SIDE PORCH AT TOUSEY HOUSE TAVERN
Name of Development TOUSEY HOUSE TAVERN
Location of Development 5963 JEFFERSON ST. BURLINGTON, KY 41005
Acreage Under Review .27/AC
Lot Number and Name of Subdivision (if part of a subdivision) Lot PT 31, 32 BURLINGTON (BN 1-5-9) PLAT ID: 1-112
Owner of Property BBRW, LLC -(GEORGE AND MARY ANN WAINSCOTT)
Address of Property Owner 2500 DIXIE HWY. Ft. Mitchell KY 41017
Phone Number 859-445-6144 Fax No 859-331-3409 E-Mail MEGGIE@GREYHOUND TAVERN.COM
Proposed Use(s) on Site RESTAURANT
Total Square Footage of Existing and/or Proposed Buildings EXISTING BLDG = 1985 SQ FT EXISTING PORCH 960 SQ FT
Current Zoning on Property SR-2/SC
Deed Book 936 Page No. 709 Group No.
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: George F Waincott (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

RECEIVED
 NOV 19 2019
 BOONE COUNTY
 PLANNING COMMISSION



General Notes:
 Zone 500-A-C
 Use Group A-C
 Historic District of Burlington

LOT 32
 PLAT OF BURLINGTON
 Feb. 17, 1912
 TOUSEY HOUSE RESTAURANT, INC.
 S.A. 254, 261, 275

Future Kitchen Expansion
 (Previously approved under previous conditional use permit, thus not part of this approval, but already approved)

6 frame veneer joists with 6 pairs of 12" x 12" wood columns (Gama columns).
 New and additional (existing) overhead steel beams at location of joists and columns in
 this building shall be in accordance with the following notes:

1. Existing 11.2' Slope
2. Existing 11.2' Slope
3. Existing 11.2' Slope
4. Existing 11.2' Slope
5. Existing 11.2' Slope
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19. Existing 11.2' Slope
20. Existing 11.2' Slope

Zone 500-A-C
 Use Group A-C
 Historic District of Burlington

Zone 500-A-C
 Use Group A-C
 Historic District of Burlington

Zone 500-A-C
 Use Group A-C
 Historic District of Burlington

Zone 500-A-C
 Use Group A-C
 Historic District of Burlington

Zone 500-A-C
 Use Group A-C
 Historic District of Burlington

Zone 500-A-C
 Use Group A-C
 Historic District of Burlington

Zone 500-A-C
 Use Group A-C
 Historic District of Burlington

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2512 Dixie Hwy.,
 Fort Mitchell, KY 41017 (609) 331-1211

ROBERT EHMERT HAYES & ASSOCIATES
 ARCHITECTS

DATE
 11/19/19

Sheet
 SD1

ADDITIONS & ALTERATIONS
 Tousey House Tavern
 Burlington, KY

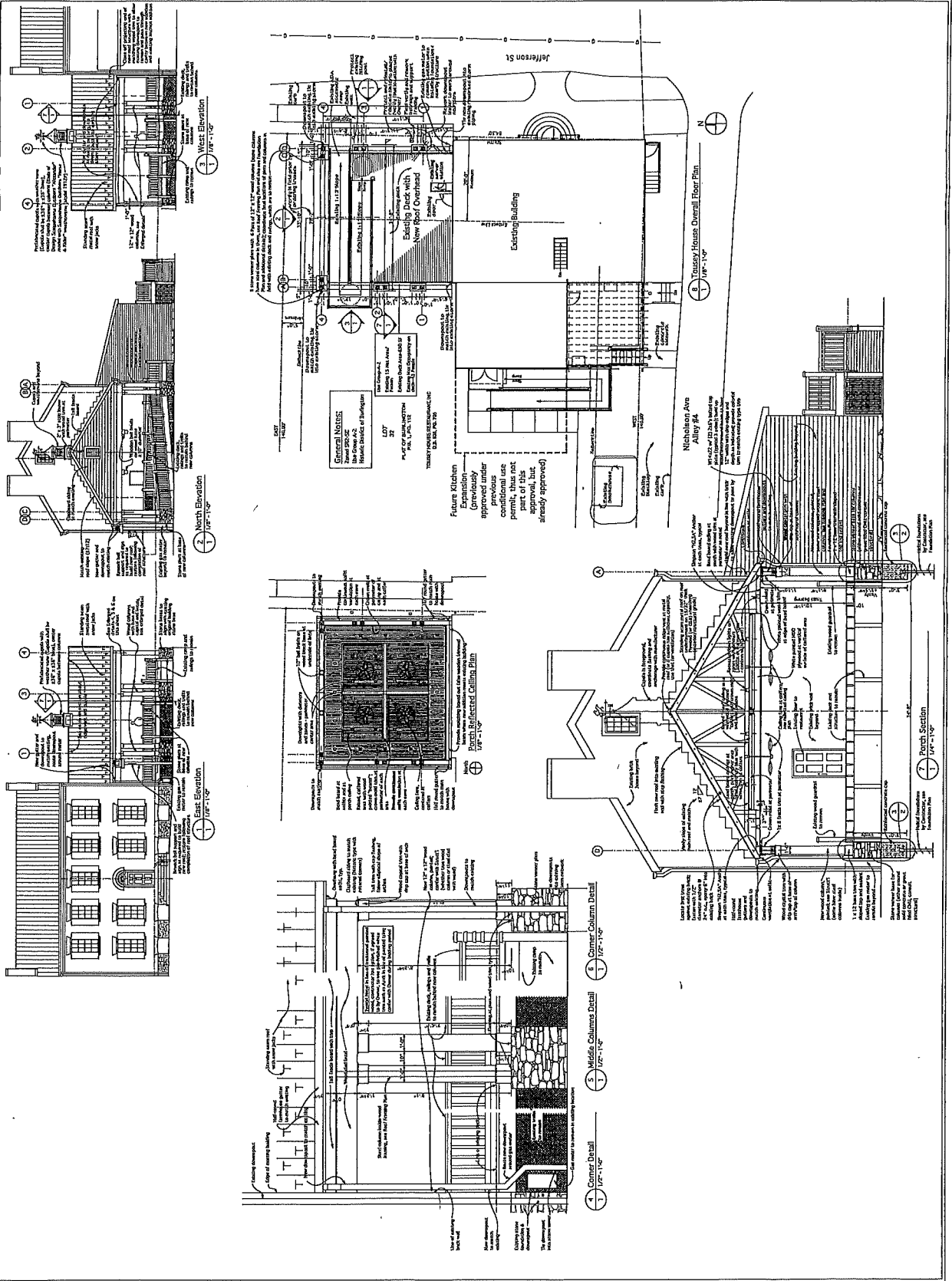
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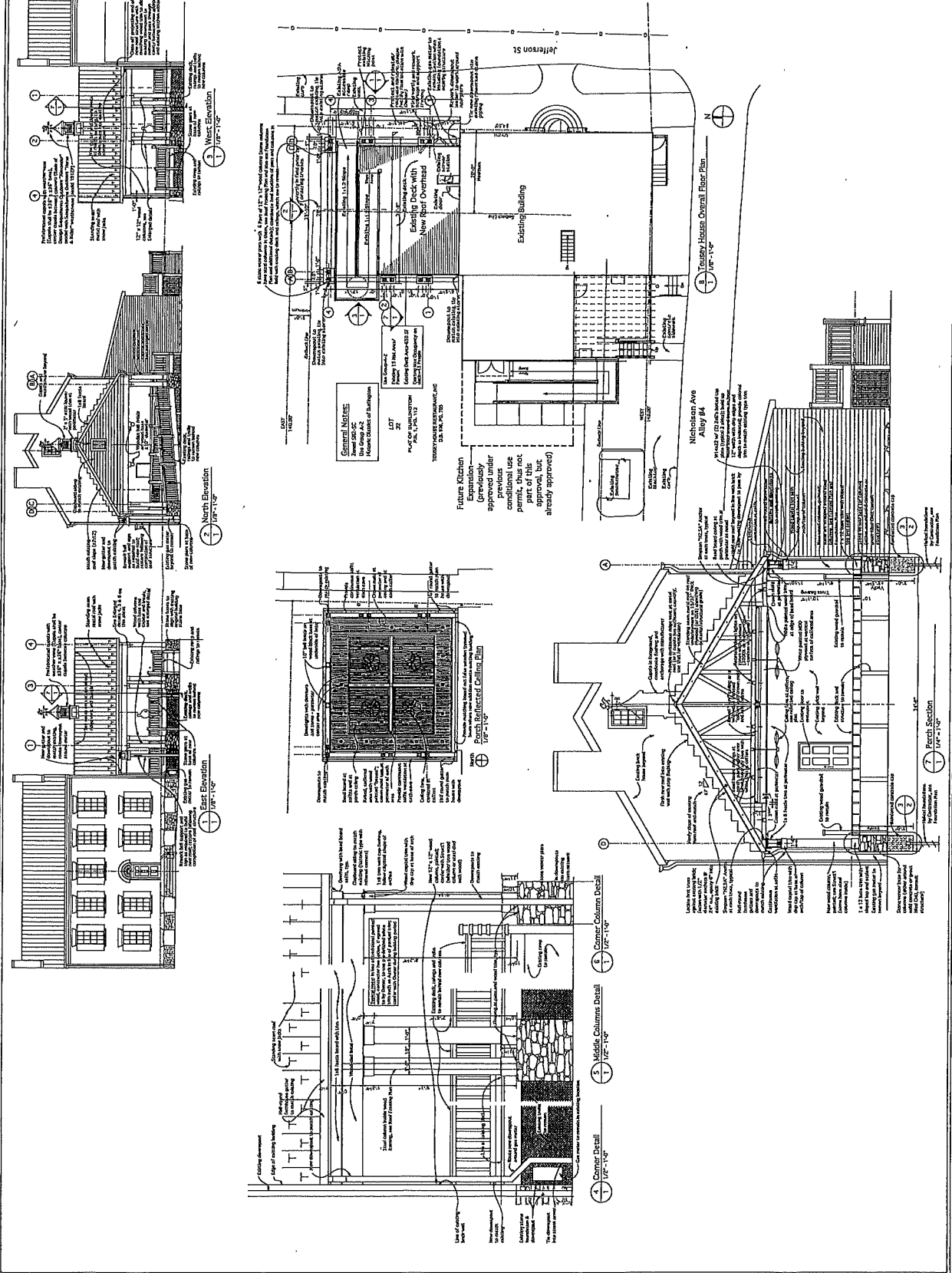
ROBERT EHMET HAYES & ASSOCIATES
ARCHITECTS
2812 DICK HWY. FORT MITCHELL, KY 41017 (502) 331-2121

Address & Alterations for
Tousley House Tavern
593 North Jefferson Street
Burlington, KY 41005

Roenker Engineering, Inc.
Structural Engineering
2326 Parkview Drive
Taylor Mill, KY 41015
TEL: (502) 331-0243 FAX: (502) 331-0243

APPROVAL





CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

BBRW, LLC
2500 Dixie Hwy
Ft. Mitchell, KY 41017

2. ADDRESS OF PROPERTY

5963 Jefferson Street
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Tousey House Tavern

4. DEED BOOK 936

PAGE NO. 709

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

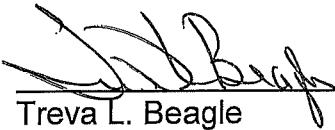
Michael D. Schwartz, Planner
Name and Title of Completing Official

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 12 day of December, 2019.



Treva L. Beagle

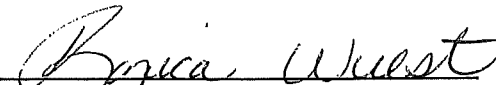
Notary ID 588897

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.)