

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

RECEIVED JAN 17 2020 80849 BOONE COUNTY PLANNING COMMISSION

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name Cycal Simmens - Meintjes
Applicant's Address 8431 Locust Grove Rd. Burlington, KY 41005
4. Description of Request: Permit for Horse training facility
5. Name of Development High Veld farm
6. Location of Development 8431 Locust Grove Road Burlington, KY 41005
7. Acreage Under Review 19.17
8. Lot Number and Name of Subdivision (if part of a subdivision) Plot ID: C4698
9. Owner of Property LNSO, LLC
Address of Property Owner 5848 N. Orient St. Burlington KY 41005
10. Phone Number (859) 630-5641 Fax No. E-Mail cesimm2@gmail.com
11. Proposed Use(s) on Site American Saddlebred training facility, riding lessons
12. Total Square Footage of Existing and/or Proposed Buildings 25,000 sq ft.
13. Current Zoning on Property Agricultural
14. Deed Book 1108 Page No. 587 Group No. 2045
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 1-7-20 Fee Received \$816.00 Receipt # 80849
2. Is application complete? 5 Yes ✓ No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 2/12/2020
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: That all parking areas, including driveways, aisles, and vehicular circulation areas be improved with asphalt concrete or Portland cement concrete, unless a waiver is granted by the zoning administrator as part of the site plan review process.
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

#4

APPLICANT: Cydni Simmons-Meintjes

LOCATION: 8431 Locust Grove Road, Boone County, Kentucky

ZONING: Agriculture (A-1) and Suburban Residential One (SR-1)

DATE: February 12, 2020

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow a riding and boarding stable, including horse training and riding lessons, on an approximate 18.7 acre property located at 8431 Locust Grove Road.

SITE HISTORY

- 2018 On July 6, 2018, the Boone County Planning Commission staff approved a zoning permit allowing the construction of a barn on the site in question.
- 2018 Boone County Public Works issued an encroachment permit for two access points from the site in question onto Locust Grove Road (the two western curb cuts) (Permit #18-2283).

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, 613, and 933 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 613 of the Boone County Zoning Regulations (A-1 District):

- a. The activity is an integral part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or
- b. The activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and
- c. Provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

3. Criteria listed in Section 933 of the Boone County Zoning Regulations (SR-1 District):

- a. The activity is an integral and subordinate function of a permitted use; or
- b. The activity will not contradict the low density character of the; and
- c. The arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

C. Kentucky Revised Statute (KRS) 100.111 (2) provides the following definition:

"Agricultural use" means the use of:

- (a) A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public. For purposes of this subsection, “livestock” means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (b) Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;
- (c) A tract 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; or
 - (6) Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or
- (d) A tract of land used for the following activities involving horses:
 - (1) Riding lessons;
 - (2) Rides;
 - (3) Training;
 - (4) Projects for educational purposes;
 - (5) Boarding and related care; or
 - (6) Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.

This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.

- D. Kentucky Revised Statute (KRS) 100.203 (4) states that cities and counties may enact zoning regulations which shall contain provisions to the effect that land which is used for agricultural purposes shall have no regulations except that: (a) setback lines may be required for the protection of existing and proposed streets and highways; (b) all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated; and (c) mobile homes and other dwellings may be permitted but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy; (d) the uses set out in KRS 100.111(2)(c) may be subject to regulations as a conditional use.
- E. Section 933 of the Boone County Zoning Regulations identifies horse related uses, including riding and boarding stables, as defined by KRS 100.111(2)(c) as a conditional use within the SR-1 Zone.
- F. Section 611 of the Boone County Zoning Regulations states that “The purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.” Section 930 of the Boone County Zoning Regulations states that “The purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the majority of the site for “Rural Land”, which is defined as wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision. A small portion of the site is designated for “Rural Density Residential” uses, which is defined as low density residential uses of up to one dwelling unit per acre.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).

Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal B, Objective 3).

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).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

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).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).

Specific areas, innovative land use planning concepts, and design incentives shall be identified to encourage the preservation of agricultural lands (Natural and Cultural Resources Goal B, Objective 1).

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

Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

- C. Locust Grove Road is identified as a local street providing for two-way traffic within two driving lanes. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 18.7 acre property is located along the south and west sides of Locust Grove Road, approximately 1,200 feet southeast of East Bend Road.
- B. The site is currently occupied by a barn, gravel parking areas, pasture land, fencing, and three curb cuts onto Locust Grove Road.

SURROUNDING LAND USES AND ZONING

North: Single family dwellings and undeveloped/agricultural land (SR-1 and A-1)

- South: Single family dwellings and undeveloped/agricultural land (A-1)
East: Single family dwellings and undeveloped/agricultural land (A-1)
West: Single family dwellings and undeveloped/agricultural land (SR-1 and A-1)

PROPOSED DEVELOPMENT

- A. The applicant proposes to operate a business out of the barn, providing horse training and riding lessons.

STAFF COMMENTS

- A. Section 3221.2 of the Boone County Zoning Regulations state that a proposed development is permitted one access point for each 500 feet of street frontage. The site in question has 1,318.31 feet of frontage along Locust Grove Road. Therefore, the site is entitled to have three access points. It has been previously noted that three access points exist to the site and that two of those access points have an approved encroachment permit. The property owner will need to receive an encroachment permit for the third existing access point.
- B. Section 3314 of the Boone County Zoning Regulations require that all parking areas, including driveways, aisles, and vehicular circulation areas be improved with asphalt concrete or Portland cement concrete. This section allows the zoning administrator to waive this requirement upon a written request of an applicant. This waiver would be evaluated during the site plan review process.
- C. Should the Board approve the Conditional Use Permit, staff would suggest the following conditions:
1. That an encroachment permit be obtained from Boone County Public Works for the third existing access point.
 2. That all parking areas, including driveways, aisles, and vehicular circulation areas be improved with asphalt concrete or Portland cement concrete, unless a waiver is granted by the zoning administrator as part of the site plan review process.

OTHER AGENCY COMMENTS:

- A. An inter-departmental email was sent to Boone County Public Works requesting comments pertaining to the submitted application. Other than providing information on their previously approved encroachment permits, they did not have anything else to add.

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,

A handwritten signature in black ink, appearing to be 'MS', written in a cursive style.

Michael D. Schwartz
Planner

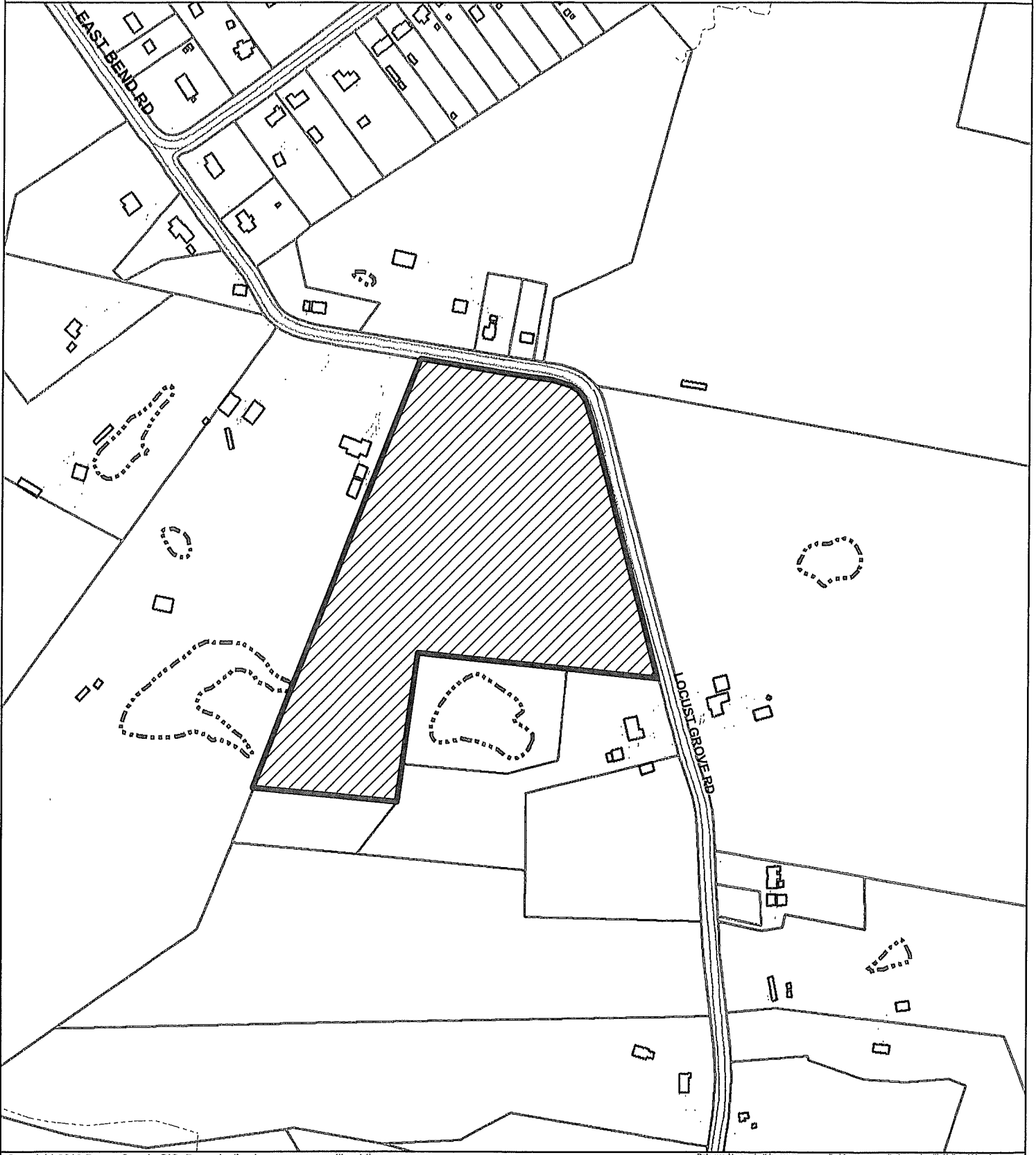
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Development Plan

Vicinity Map

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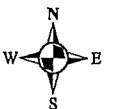
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Boone County GIS

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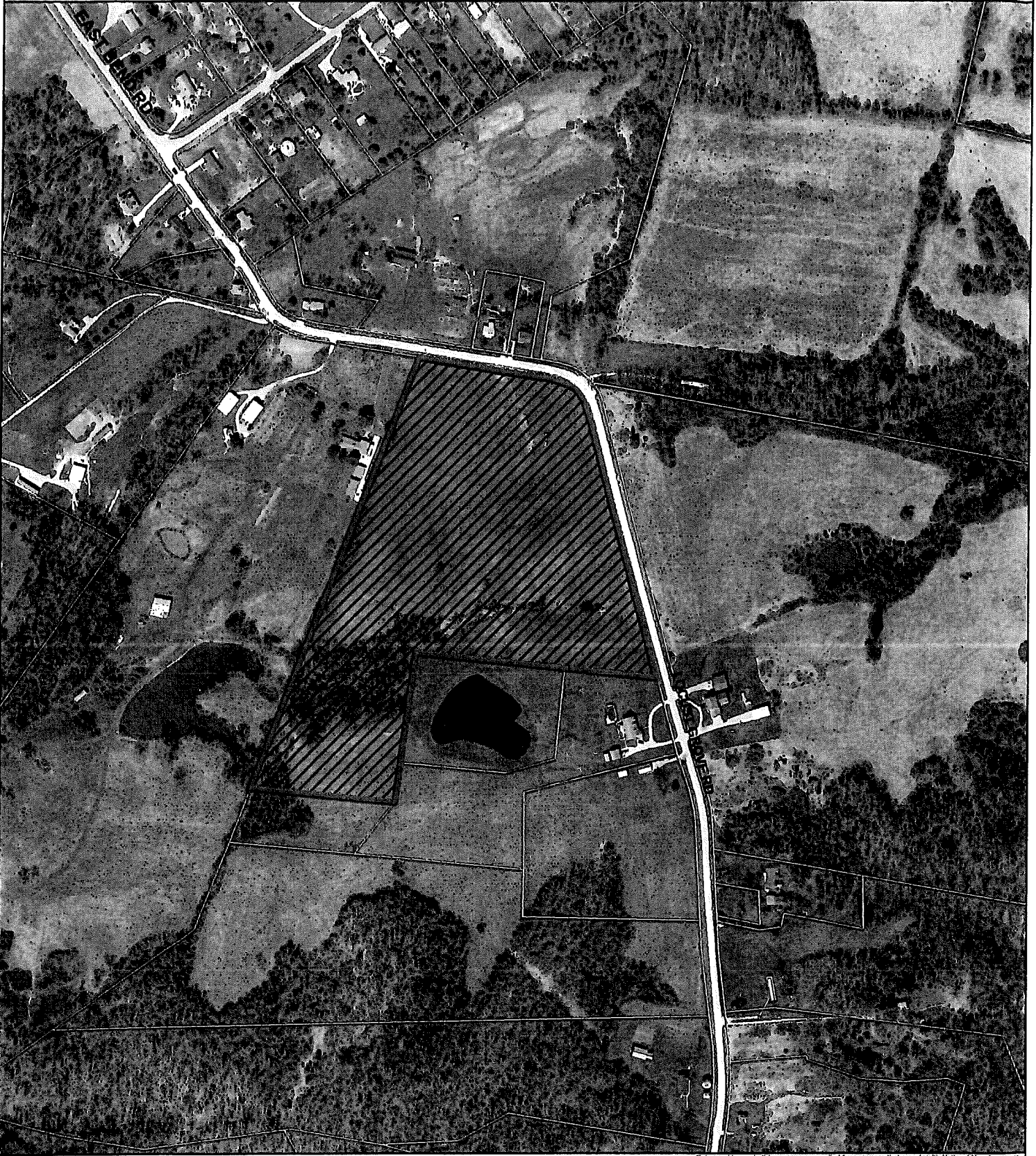
1 inch = 400 feet



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Aerial Map

www.boonecountygis.com



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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

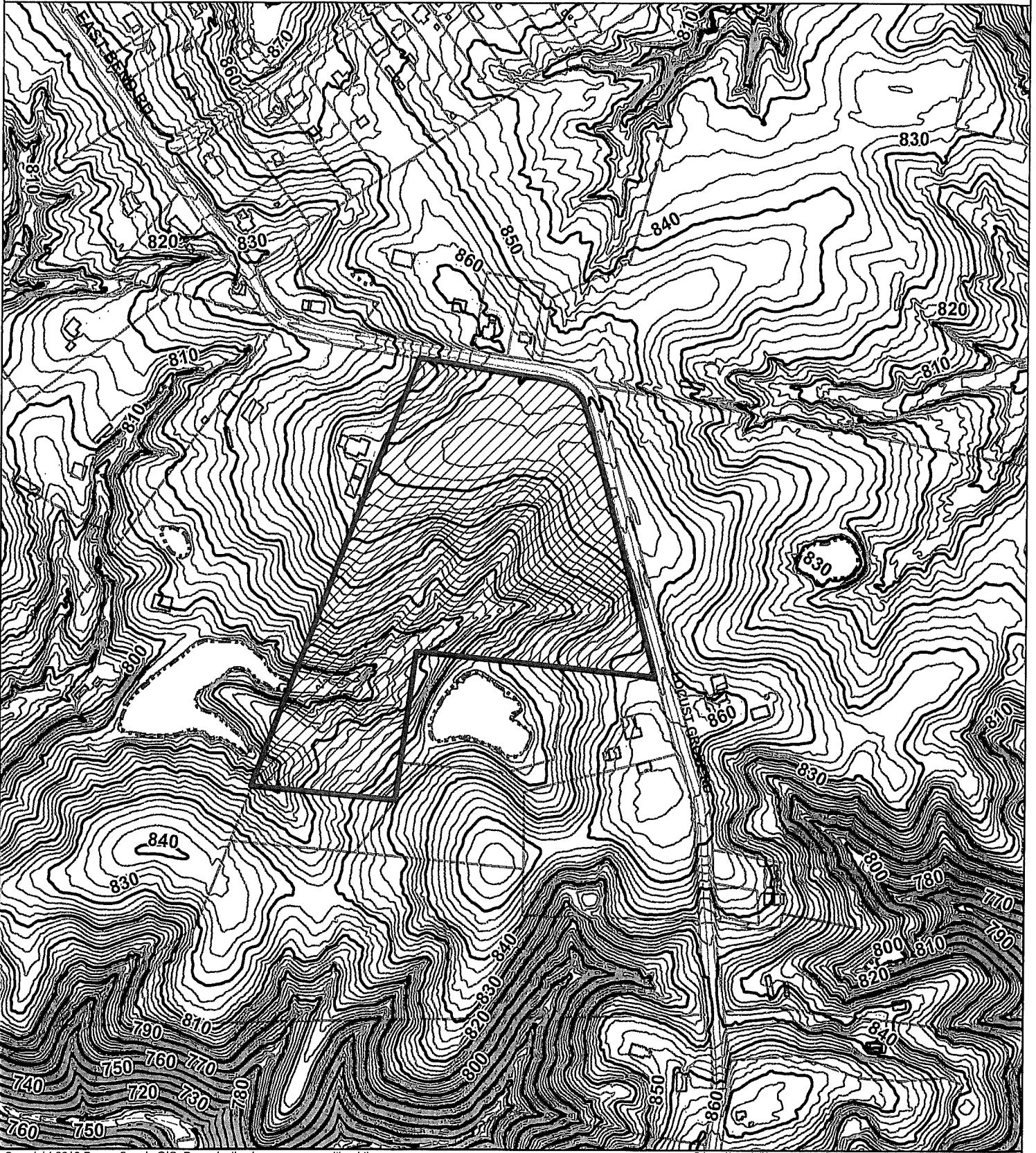


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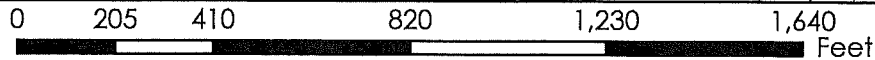
Topographical Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

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ArcMap Document: *.mxd

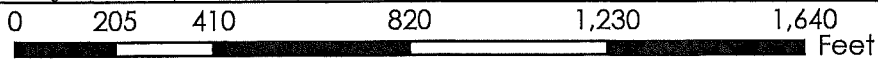
Zoning Map

www.boonecountygis.com



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1 Inch = 400 feet



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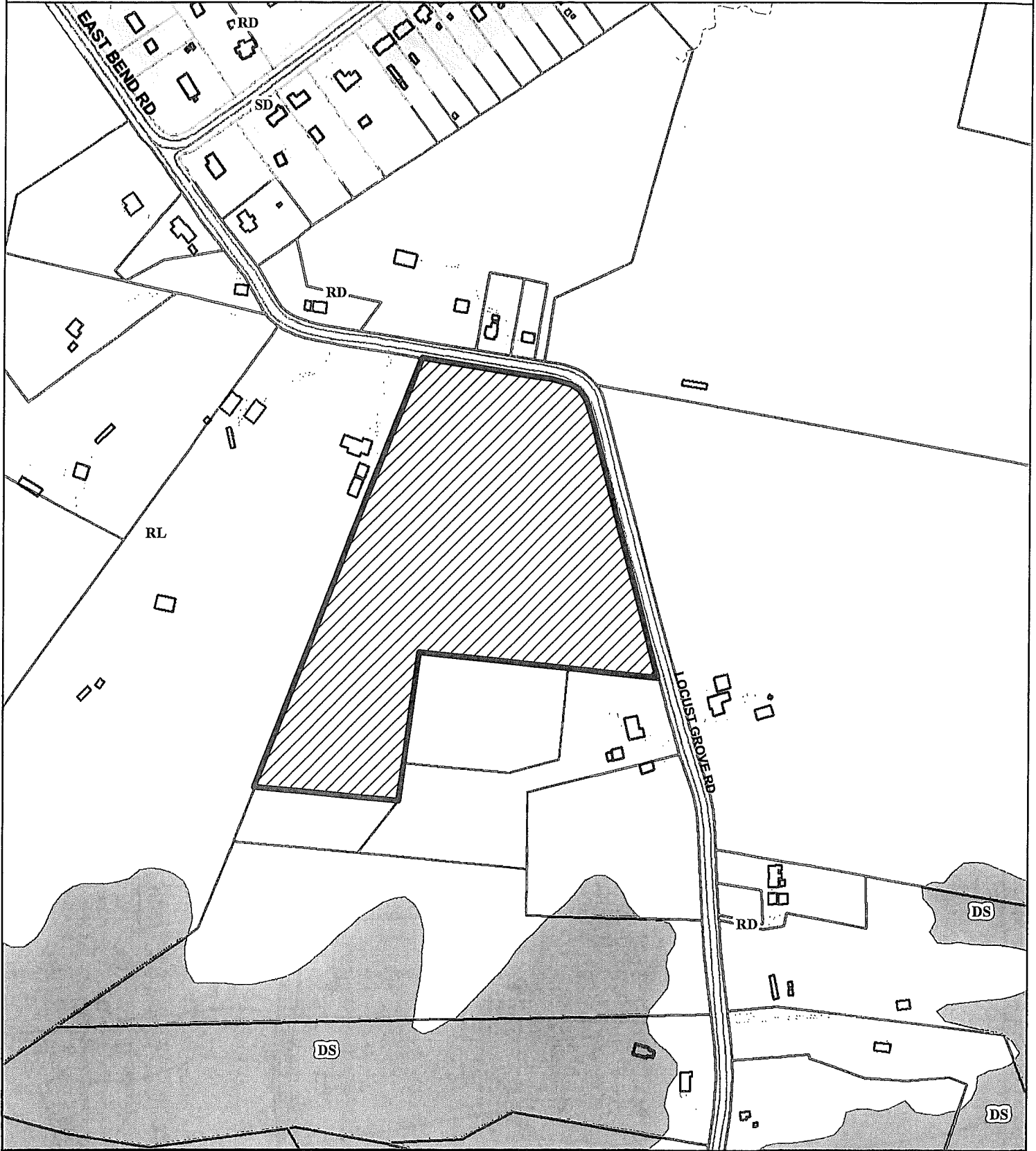
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

2040 Future Land Use Map

www.boonecountygis.com

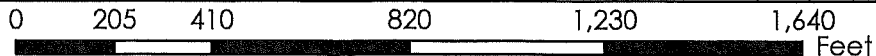


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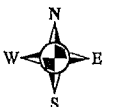
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Boone



1 inch = 400 feet



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With Thanks to: Boone County GIS
ArcMap Document: 1.mxd

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

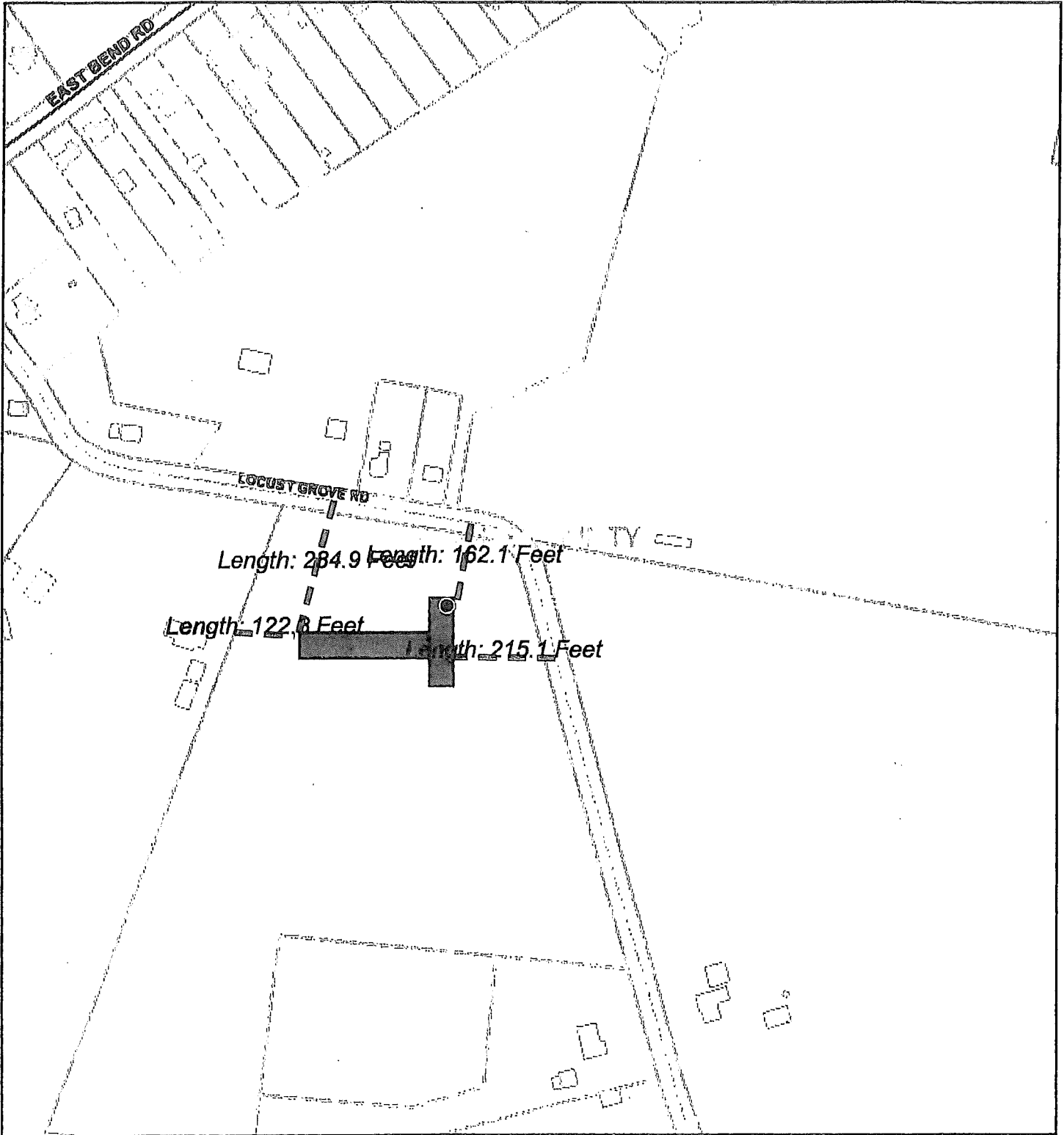
SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name Cydia Simmens - Meintjes
Applicant's Address 8431 Locust Grove Rd.
Burlington, KY 41005
City _____ State _____ Zip _____
 - Phone Number (859) 630-5641 Fax No. _____ E-Mail csimmz@gmail.com
Description of Request: Permit for Horse training Facility
 - Name of Development High Veid Farm
 - Location of Development 8431 Locust Grove Road
Burlington, KY 41005
 - Acreage Under Review 19.17
 - Lot Number and Name of Subdivision (if part of a subdivision)
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Burlington KY 41005
City _____ State _____ Zip _____
 - Phone Number (859) 630-5641 Fax No. _____ E-Mail csimmz@gmail.com
Proposed Use(s) on Site American Saddlebred Training Facility, riding lessons
 - Total Square Footage of Existing and/or Proposed Buildings 25,000 sq ft.
 - Current Zoning on Property Agricultural
 - Deed Book _____ Page No. _____ 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? _____
 - 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: Cydia Simmens
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

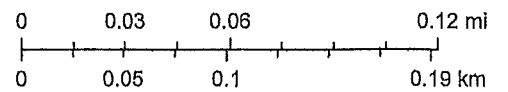
Boone County, Kentucky



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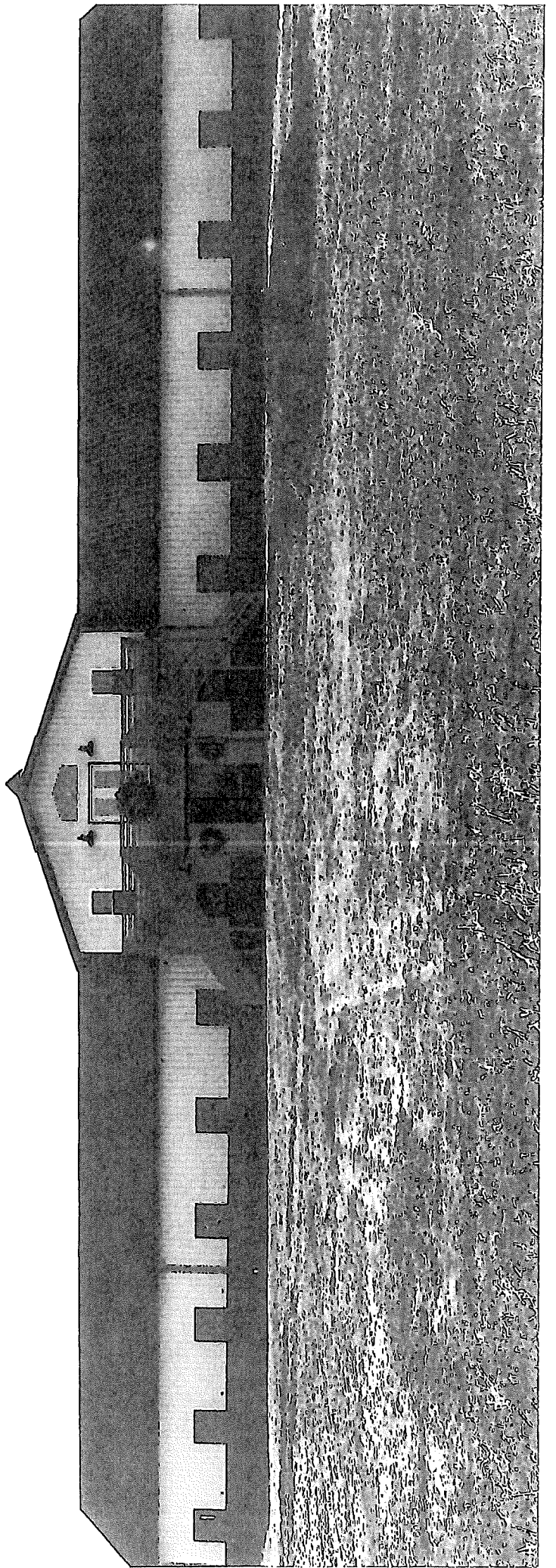
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- Major Streets
- Interstate
- Arterial
- Collector
- Access Ramp
- Residential Streets
- Railroad Lines
- All Streets (FT)
- All Streets (TF)
- Building Footprints
- Tax Parcels

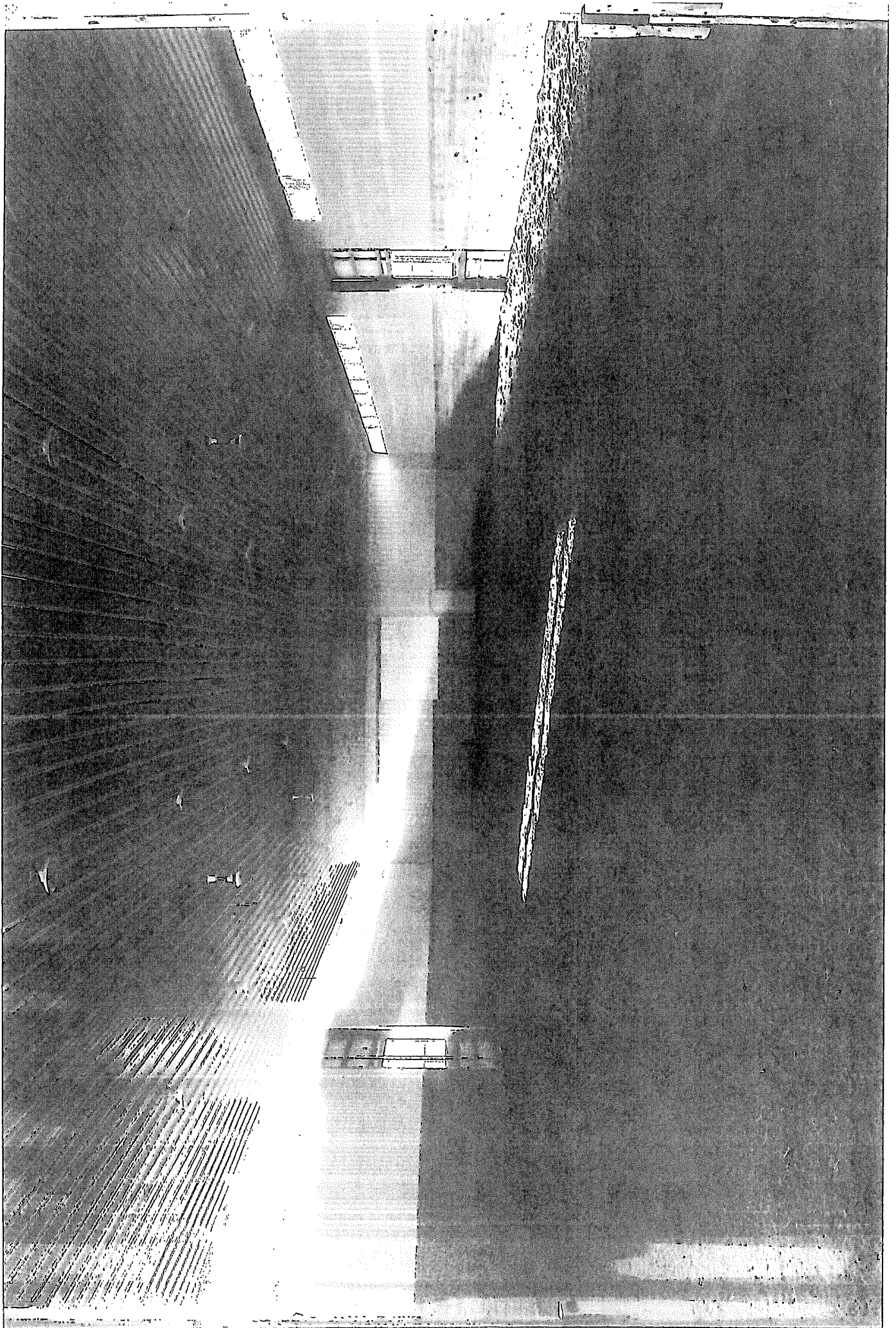


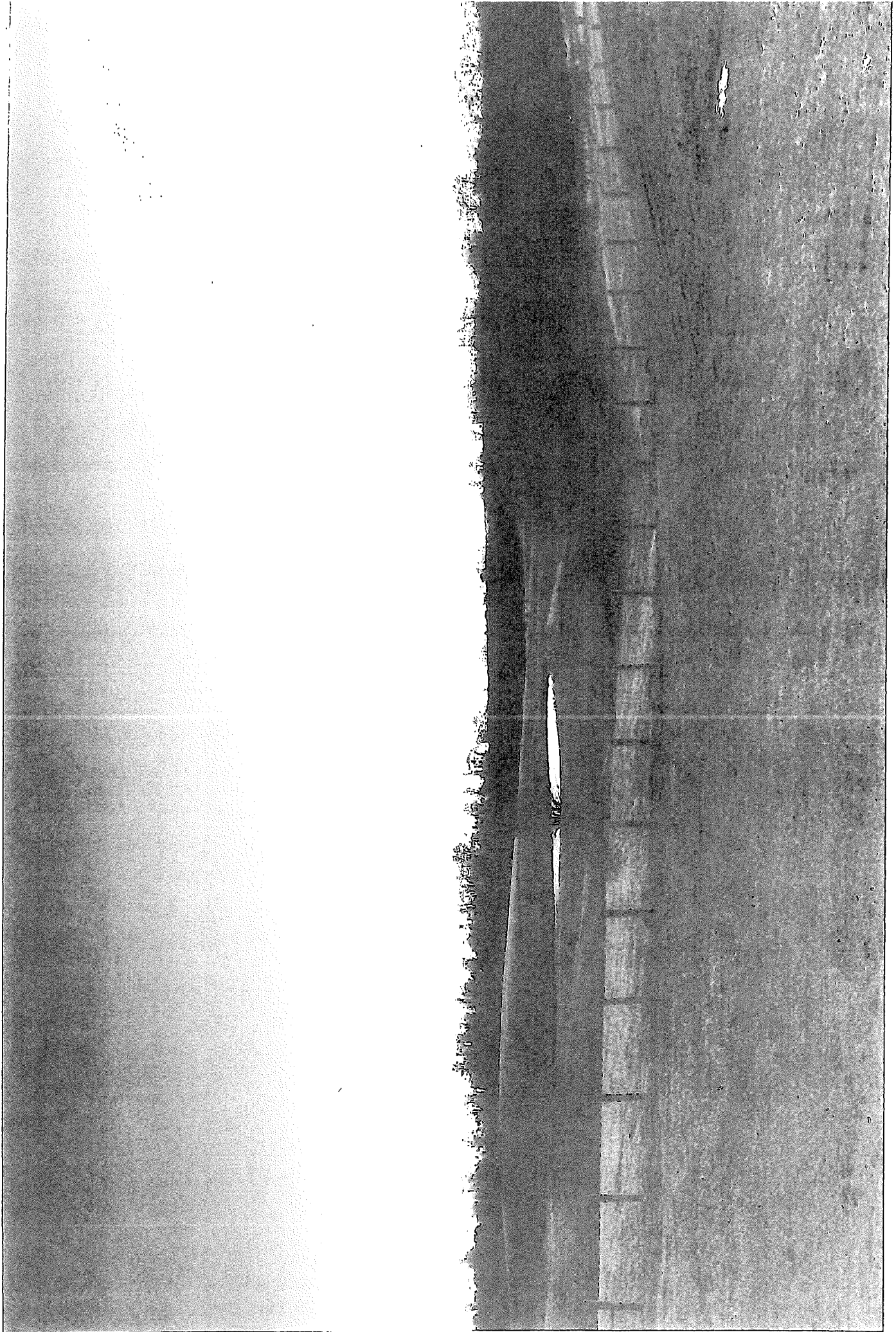
GIS Services Division, Boone County Planning Commission











CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

LNSO, LLC
5848 N. Orient Street
Burlington, KY 41005

2. ADDRESS OF PROPERTY

8431 Locust Grove Road
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Cydni Simmons-Meintjes

4. DEED BOOK 1108

PAGE NO. 587

GROUP NO. 2045

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

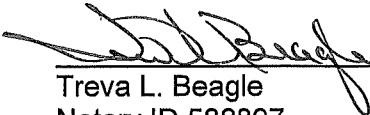
Michael D. Schwartz, Planner
Name and Title of Completing Official

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 13 day of February, 2020.



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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of February 12, 2020 Certificate of Land Use Restriction (#20-BCBOA-001-A), for LNSO, LLC, Property Owner(s).

The following conditions will apply:

1. That all parking areas, including driveways, aisles, and vehicular circulation areas be improved with asphalt concrete or Portland cement concrete, unless a wavier is granted by the zoning administrator as part of the site plan review process.

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

DEED BOOK 1108

PAGE NO. 587

GROUP NO. 2045