

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

**SECTION A:** (To be completed by applicant)

- 1. Check One  Boone  Florence  Walton  Union
- 2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
- 3. Applicant: PETER RADEMACHER  
Address: 32 ASHTON RD  
FT MITCHELL KY 41017  
City State Zip Code  
Phone Number: (513) 276 1439 Fax Number: \_\_\_\_\_  
Email: pete.rademacher@gmail.com
- 4. Description of Request:  
Conditional use permit to allow a small woodshop on site.  
Requires new bldg & electrical service
- 5. Name of Development: ALLOWAY ADD.
- 6. Location of Development: 2888 FRONT ST  
PETERSBURG KY 41080  
City State Zip Code
- 7. Acreage Under Review: \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision):  
LOTS 17 THRU 26 PETERSBURG ALLOWAY ADD (PB1-1-9)
- 9. Current Owner: BIRKLE LIVING TRUST  
Address: PO BOX 144  
PETERSBURG KY 41080  
City State Zip Code  
Phone Number: 559-743-0592 Fax Number: \_\_\_\_\_  
Email: 32400@901.com

10. Proposed Use(s) on Site: WOODWORKING SHOP
11. Total Square Footage of Existing and/or Proposed Buildings: proposed = 384 to 576 sq ft
12. Current Zoning: RESIDENTIAL
13. 1105 347 \_\_\_\_\_  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. 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:** William E. Bisk  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:** [Signature] ROEMER 10DEC21  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 12/10/21 Fee Received: \$816 Receipt #: 85272

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 1/12/2022

5. Board Action: 1/12/2022

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: See Attached, Minutes, & CLUR

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7. Reasons for Denial: \_\_\_\_\_

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

## **CONDITIONS OF APPROVAL**

**APPLICANT:** Peter Rademacher, on behalf of Birkle Living Trust, per William Birkle

**LOCATION:** 2888 Front Street, Boone County, Kentucky

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

**DATE:** January 12, 2022

1. There shall be no hazardous or toxic substances.
2. There shall be no outside storage.
3. The workshop shall only be for personal or family use.

## STAFF REPORT

#3

APPLICANT: Peter Rademacher, on behalf of Birkle Living Trust, per William Birkle

LOCATION: 2888 Front Street, Boone County, Kentucky

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

DATE: January 12, 2022

### PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow the construction of a small scaled workshop

### SITE HISTORY

- 1954-  
1960 Based on information contained in the Boone County GIS, the house was built.
- 1981-  
1985 Based on information contained in the Boone County GIS, the first barn was built.
- 1991 On August 1, 1991, the Boone County Planning Commission approved a zoning permit for the second barn on the site.

### 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 1133 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 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."

D. Section 2012.13 of the Boone County Zoning Regulations identifies "Small-scaled workshop uses including small engine repair, fabrication, assembly, and repair

of household goods and small electronic goods, excluding outside storage and uses that involve hazardous or toxic substances' as a Conditional Use within the SC district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for "Rural Density Residential" and "Suburban Density Residential" uses. These designations are defined as follows:

Rural Density Residential – Low density residential uses of up to one dwelling unit per acre.

Suburban Density Residential - Single family housing of up to four units 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 A, 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).

Mixed use, higher density neighborhoods shall be encouraged near existing or proposed transportation nodes and shall be designed to establish neighborhoods with a mix of retail, public, and recreational uses (Demographics Goal B, Objective 6).

Specific areas, innovative land use planning concepts, and design incentives shall be identified to encourage the preservation of agricultural lands.

Diversification of agricultural uses shall be encouraged including markets and gardens for locally grown food crops.

The impacts of proposed adjacent residential development on existing agricultural operations shall be examined and addressed.

The needs of agricultural operations shall be considered in public infrastructure improvements and services.

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

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).

Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems (Economy Goal B, Objective 2).

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).

- C. Front Street is identified as a county maintained local street providing for two-way traffic within an approximate twelve (12) foot pavement width. There are no sidewalks along the roadway.

#### SITE CHARACTERISTICS

- A. The approximate 1.8 acre property is located along the north side of Front Street, at its intersection with Alloway Street.
- B. The site is currently occupied by a detached single family residential dwelling and two accessory structures.
- C. Access to the site is provided by a curb cut onto Front Street, at its intersection with Alloway Street.
- D. The site is flat with a grade of less than 1%.

#### SURROUNDING LAND USES AND ZONING

North: Vacant land and the Ohio River (SR-2/SC)

South: Single family residential dwellings (SR-2/SC)

East: Single family residential dwellings (SR-2/SC)

West: Single family residential dwellings (SR-2/SC)

#### STAFF COMMENTS

- A. The submitted site plan indicates the construction of a woodshop on the interior of the site, with the following three (3) options:

1. Up to 480 square foot (16' x 30') building attached to one of the existing accessory structures, with no overhang.
  2. A 576 square foot (24' x 24') building attached to one of the existing accessory structures, with no overhang.
  3. A 384 square foot (16' x 24') building attached to one of the existing accessory structures, with an overhang.
- B. Should the Board take action to approve the submitted request, the following conditions should be part of that action:
1. There shall be no hazardous or toxic substances.
  2. There shall be no outside storage.

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,



Michael D. Schwartz  
Director, Zoning Services

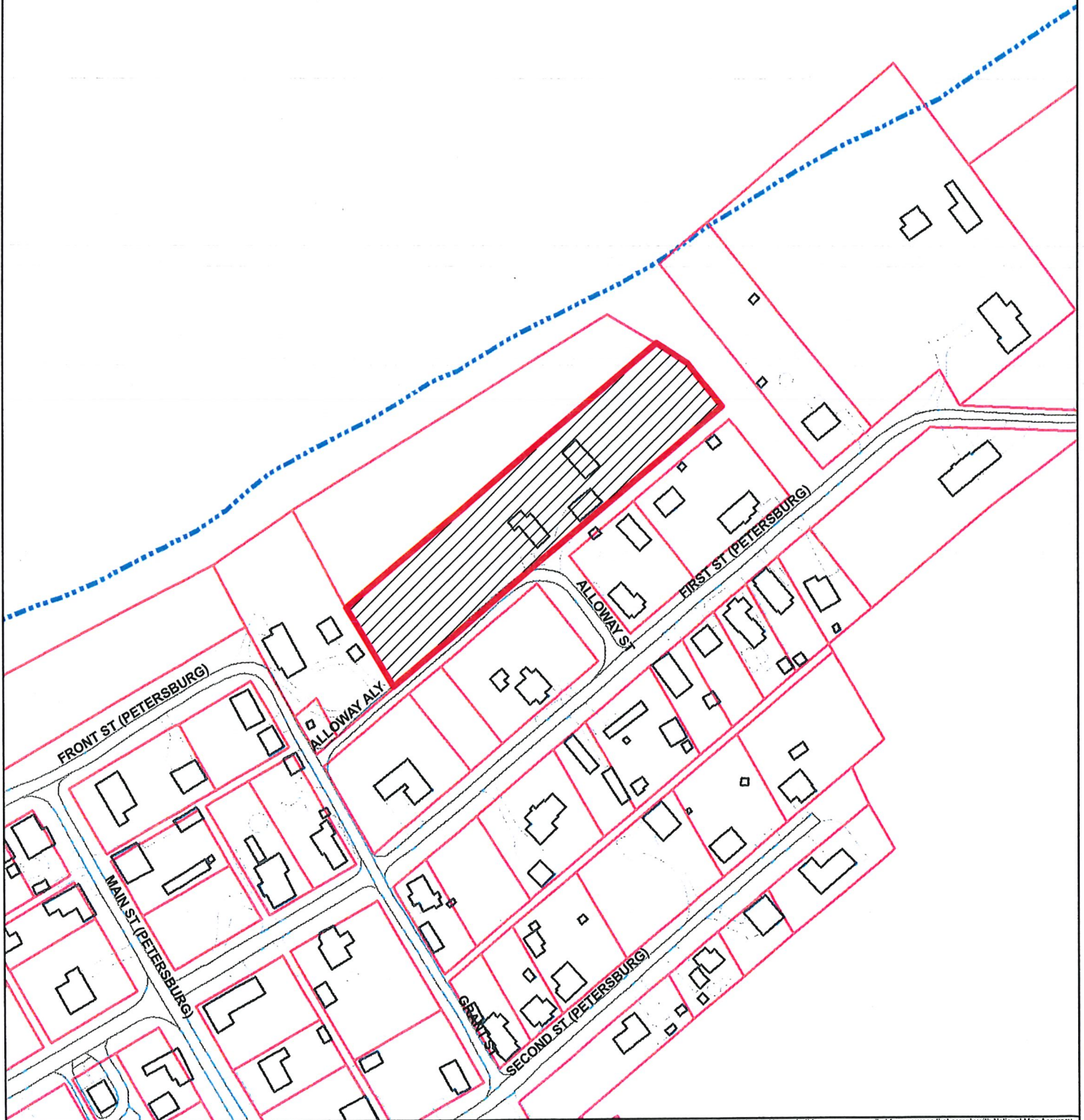
MDS/ss

Attachments

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

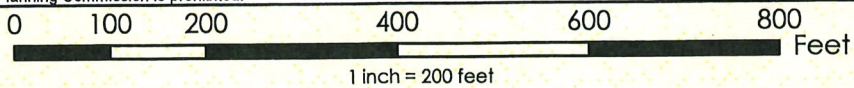
# Vicinity Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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**Boone County GIS**



Map Created: 01/01/2018

With Thanks to Esri and the GIS Users  
ArcMap Document: \*.mxd

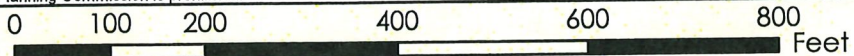
# Aerial Map

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1 inch = 200 feet



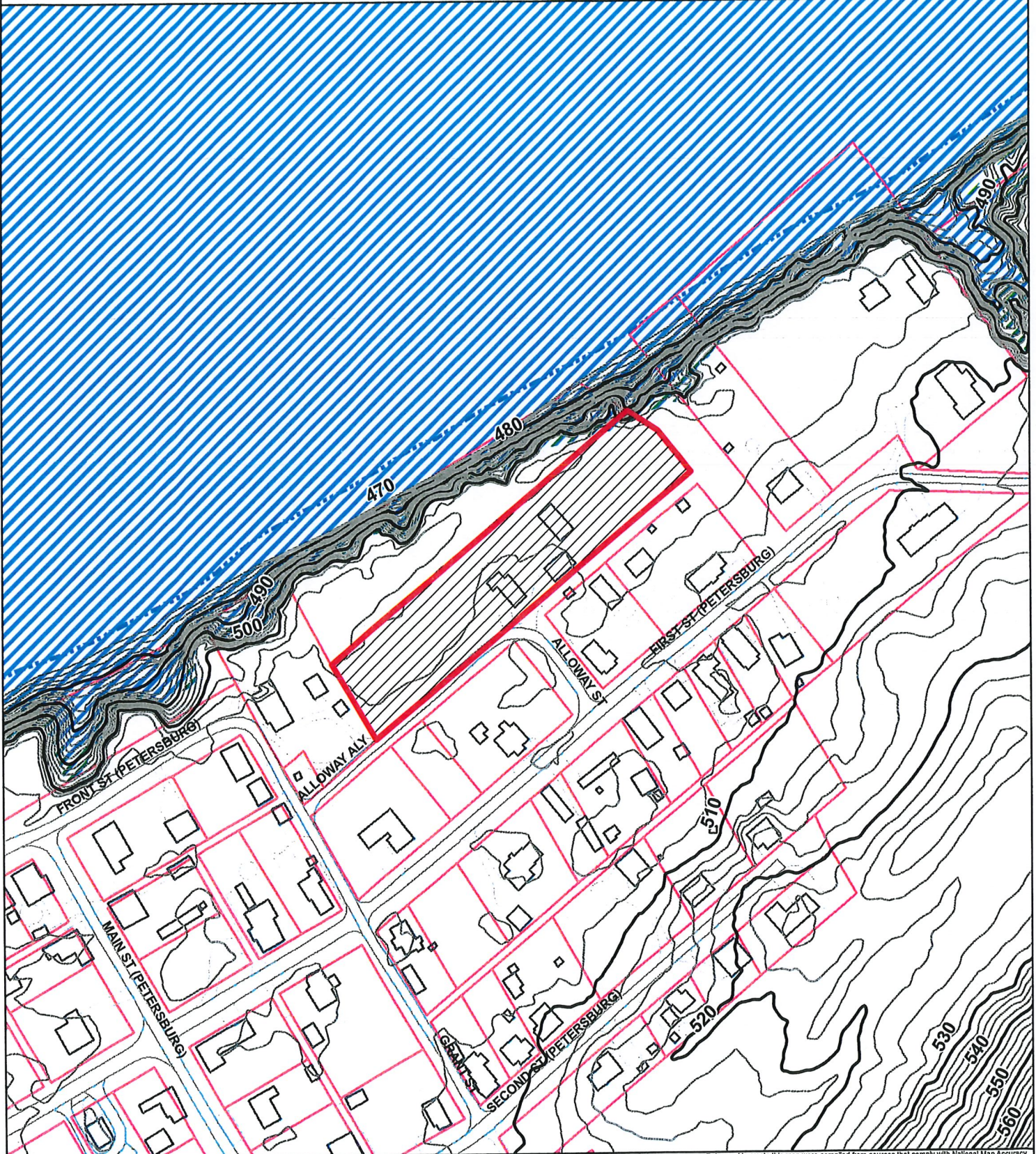
**Boone County GIS**

Map Created: 01/01/2018

ArcMap Document: \*.mxd

# Topographical and Floodplain Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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0 100 200 400 600 800 Feet

1 inch = 200 feet



**Boone County GIS**

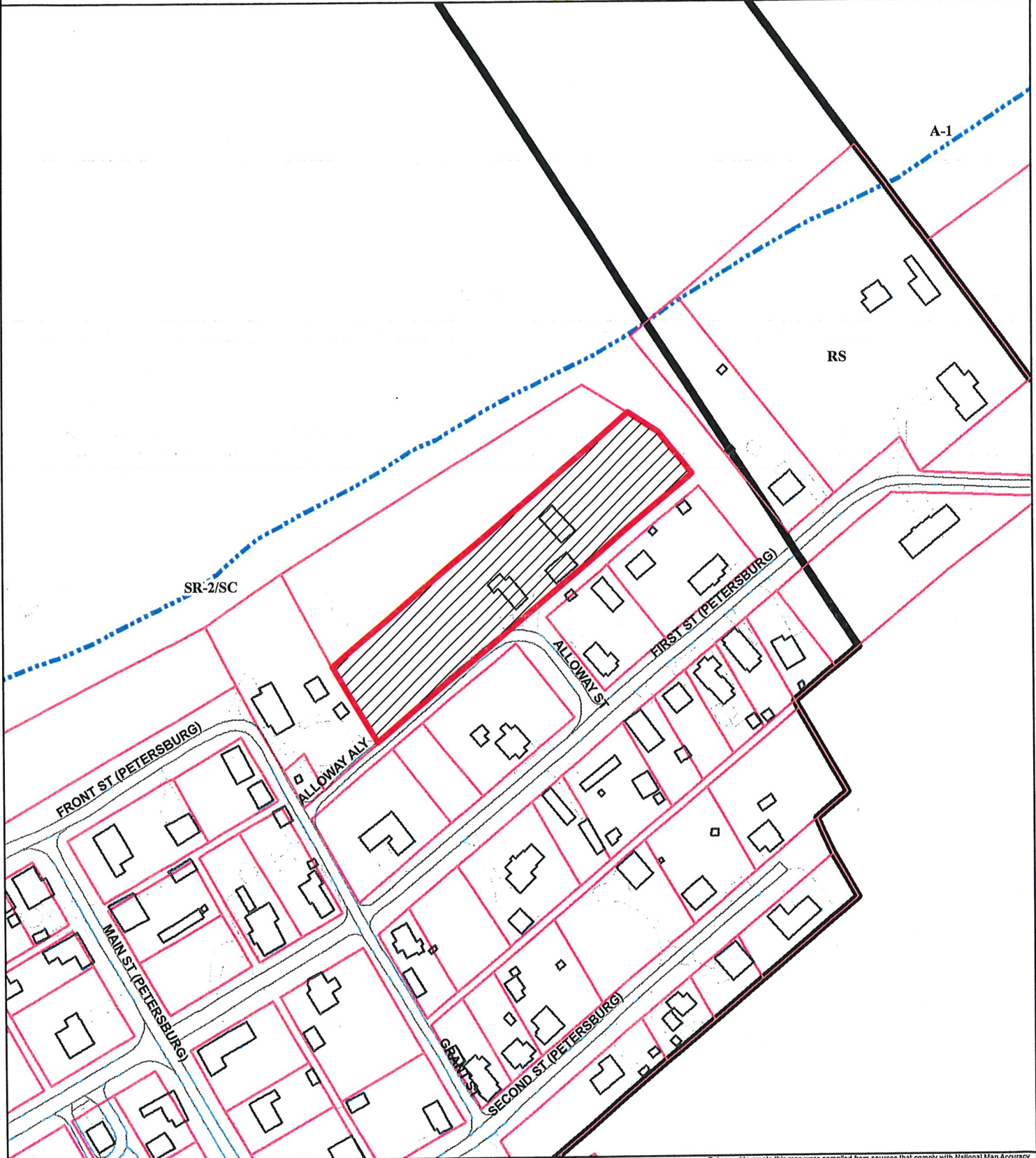


ArcMap Document: \*.mxd

Map Created: 01/01/2018

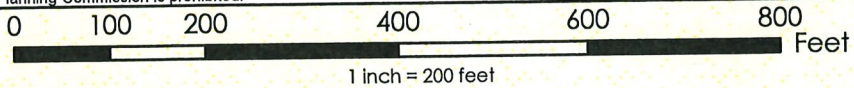
# Zoning Map

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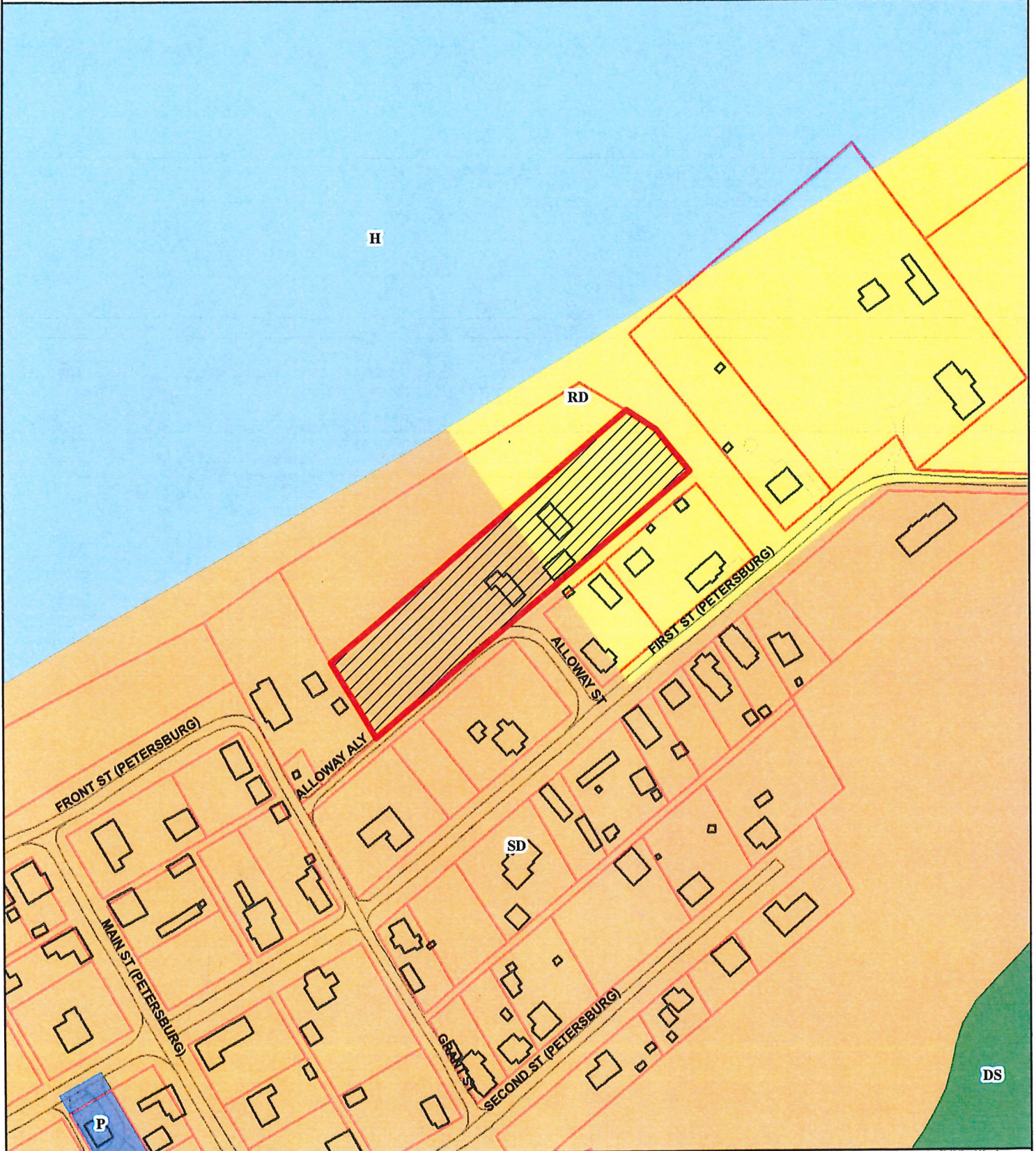


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ArcMap Document: \*.mxd

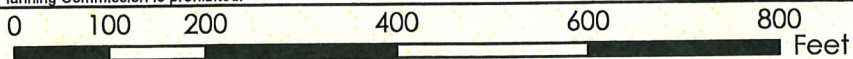
# 2040 Future Land Use Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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1 inch = 200 feet



**Boone County GIS**

Map Created: 01/01/2018

Boone County GIS  
ArchMap Document: \*.mxd

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

**SECTION A:** (To be completed by applicant)

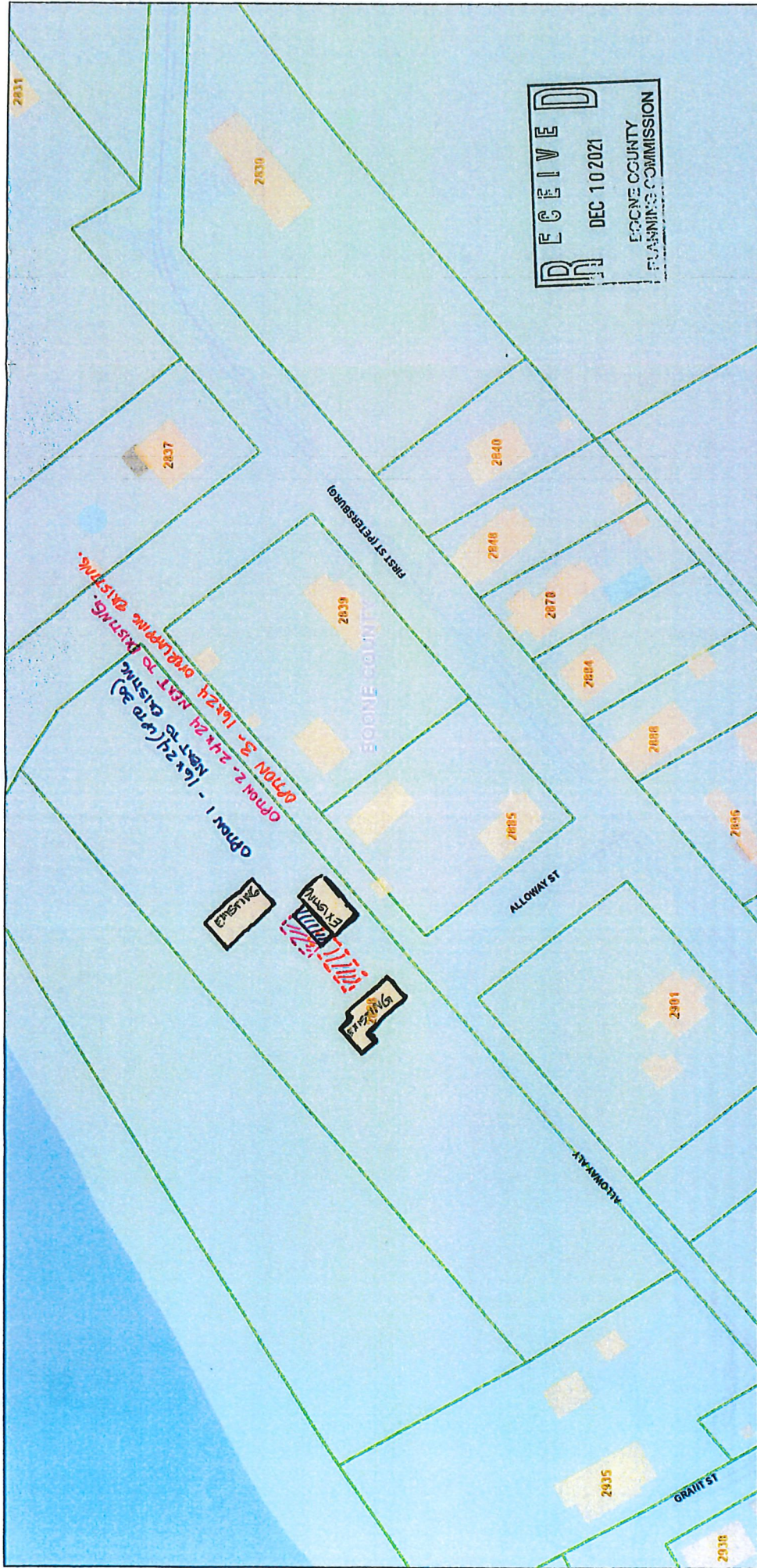
1. Check One  Boone  Florence  Walton  Union
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 Change in Non-Conforming Use
3. Applicant: PETER RADEMACHER  
Address: 32 ASHTON RD  
FT MITCHELL KY 41017  
City State Zip Code  
Phone Number: (513) 276 1439 Fax Number: \_\_\_\_\_  
Email: pete.rademacher@gmail.com
4. Description of Request:  
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requires new bldg & ELECTRICAL SERVICE
5. Name of Development: ALLOWAY ADD.
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City State Zip Code
7. Acreage Under Review: \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision):  
LOTS 17 THRU 26 PETERSBURG ALLOWAY ADD (PB1-1-9)
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Email: jb2400@aol.com

10. Proposed Use(s) on Site: WOODWORKING SHOP
11. Total Square Footage of Existing and/or Proposed Buildings: proposed = 384 to 576 ft<sup>2</sup>
12. Current Zoning: RESIDENTIAL
13. 1105 347 \_\_\_\_\_  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. 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:** William E Biskle  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:** [Signature] RODEMAER 10DEC21  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

# Boone County PVA's Office



10/4/2021, 12:54:21 PM

- PVA Parcels
- Residential Streets
- Building Footprints
- Paved Areas
- Roadway
- Exterior Features
- Deck
- Driveway
- Patio
- Swimming Pool
- Building Site Number (Labels)
- Waterbodies

GIS Services Division, Boone County Planning Commission

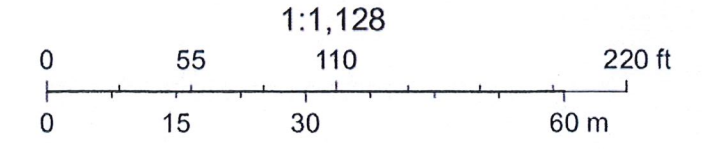
# Boone County PVA's Office



RECEIVED  
 DEC 10 2021  
 BOONE COUNTY  
 PLANNING COMMISSION

10/4/2021, 12:54:21 PM

- |                     |                   |                               |
|---------------------|-------------------|-------------------------------|
| Residential Streets | Paved Areas       | Patio                         |
| Building Footprints | Roadway           | Swimming Pool                 |
| PVA Parcels         | Exterior Features | Building Site Number (Labels) |
|                     | Deck              | Waterbodies                   |
|                     | Driveway          |                               |

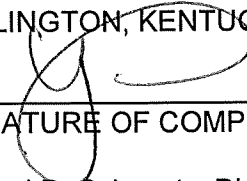


GIS Services Division, Boone County Planning Commission

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Birkle Living Trust  
P.O. Box 144  
Petersburg, KY 41080
  
- 2. ADDRESS OF PROPERTY  
2888 Front St  
Petersburg, KY 41080
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Alloway Addition
  
- 4. DEED BOOK 1105                      PAGE NO. 347                      GROUP NO. 2011
  
- 5. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment:  
          From \_\_\_\_\_ To \_\_\_\_\_                       Conditional Use Permit  
  
 Development Plan     Conditional Zoning  
  
 Subdivision Plat     Other:  
          (Not Recorded)  
  
 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, Director, Zoning Services  
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 14<sup>th</sup> day of January, 2022.

---

Treva L. Beagle  
Notary ID KYNP37603  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2025

This instrument was prepared for recording purposes only by:

---

Nicole Dierna  
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 Adjustment and in accordance with the current zoning in effect as of January 12, 2022, Certificate of Land Use Restriction (#22-BCBOA-003-A), for Birkle Living Trust, Property Owner(s).

The following conditions will apply:

1. There shall be no hazardous or toxic substances.
2. There shall be no outside storage.
3. The workshop shall only be for personal or family use.

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

DEED BOOK 1105

PAGE NO. 347

GROUP NO. 2011