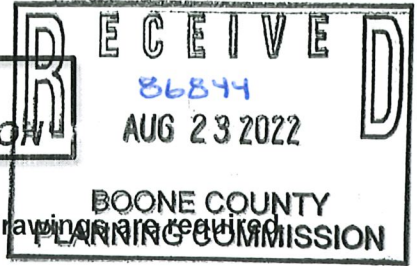


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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: Riegler Blacktop, Inc.
Address: 165 Weaver Road
Florence KY 41042
City State Zip Code
Phone Number: 859.653.2823 Fax Number: _____
Email: dan@rieglerblacktop.com
4. Description of Request:
Request for a conditional use permit to allow for the existing Richwood cemetery on the adjacent land owned by the Association
Parcel #(065.00-00-007.02). This will require construction of a new access road.
5. Name of Development: Richwood Cemetery
6. Location of Development: NW corner -Int. of Richwood Road and Chambers Road
Unincorporated BC KY 41094
City State Zip Code
7. Acreage Under Review: 6.97 acres (both lots owned by the Cemetery Association)
8. Lot Number and Name of Subdivision (if part of a subdivision):
N/A
9. Current Owner: Richwood Cemetery Association
Address: PO Box 168
Walton KY 41094
City State Zip Code
Phone Number: 513.504.0041 Fax Number: _____
Email: drdobro@cinci.rr.com

Cemetery

- 10. Proposed Use(s) on Site: _____
- 11. Total Square Footage of Existing and/or Proposed Buildings: _____ n/a
- 12. Current Zoning: _____ A-2
- 13.

1100	519	2069 11794
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: _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 8/23/22 Fee Received: \$766- Receipt #: 86844

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 9/14/2022

5. Board Action: 9/14/2022

- 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
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#5

APPLICANT: Riegler Blacktop Inc., per Dan Riegler, on behalf of the Richwood Cemetery Association

LOCATION: Property Identification Number (PIDN) 065.00-00-007.02

ZONING: Agricultural Estate (A-2)

DATE: September 14, 2022

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow the expansion of the Richwood Presbyterian Church Cemetery.

SITE HISTORY

- Pre 1949 The church and the cemetery existed.
- 1985-1990 The cemetery was expanded.
- 1990 On September 12, 1990, the Boone Board of Adjustment approved a variance increasing the size of a free standing sign from sixteen (16) square feet to twenty-four (24) square feet. (BCBOA-90-021).
- 1990-1992 A baseball field was created on the site.
- 2017 On October 10, 2017, a Conveyance Plat was approved, creating the lot in question.

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 623 of the Boone County Zoning Regulations (A-2 district):
- a. The activity is an integral part of the agricultural or residential 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 residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient 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.
- C. Section 620 of the Boone County Zoning Regulations states that “The purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.”
- D. Section 623.4 of the Boone County Zoning Regulations identifies “Cemeteries and mausoleums” as a Conditional Use within the A-2 district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question

for “Public/Institutional” uses, which is defined as government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.

- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
1. 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).
 2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 3. Inventories shall be maintained of natural and cultural features including historic, architectural, archaeological sites, cemeteries, documents, and traditions (Natural and Cultural Resources Goal C, Objective 1).
 4. Public facilities and services shall be in locations that are accessible to the population being served (Public Facilities Goal A, Objective 7).
- C. Richwood Road is a state maintained arterial street providing for two-way traffic within two driving lanes. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 2.2 acre property is located along the northwest side of Richwood Road, approximately 650 feet northeast of the Richwood Road/Chambers Road intersection.
- B. The site is currently vacant but has been used as a baseball field.
- C. Access to the existing cemetery is from three (3) curb cuts onto Richwood Road.
- D. The site slopes upward from Richwood Road at an average grade of 23% to a plateau.
- E. There is an existing easement along Richwood Road for an underground gas line.
- F. An overhead utility line bisects the site on a diagonal.

SURROUNDING LAND USES AND ZONING

- North: Richwood Presbyterian Church – vacant land (A-2)
- South: Richwood Presbyterian Cemetery (A-2)
- East: Single family residential dwellings (RSE)
- West: Richwood Presbyterian Church (A-2)

STAFF COMMENTS

A. The submitted site plan indicates the following:

1. Construction of a new access drive from the existing cemetery.
2. Construction of a retaining wall.
3. Construction of future access drives.
4. Provision for cemetery plots.
5. Access from the existing curb cuts.

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

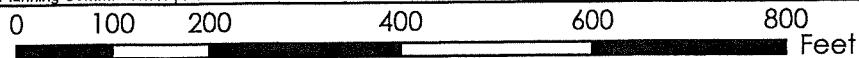
Vicinity Map

www.boonecountygis.com



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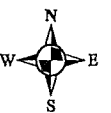
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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2021

Map Document: *.mxd

Aerial Map

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0 100 200 400 600 800 Feet

1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xxx/2021

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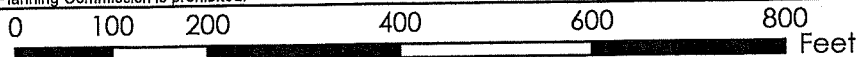
Topographical and Floodplain Map

www.boonecountygis.com



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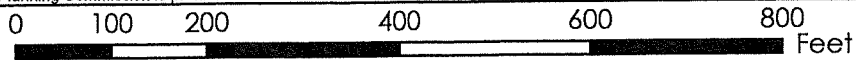
Zoning Map

www.boonecountygis.com



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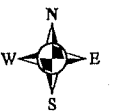
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Boone County GIS - Putting Northern Kentucky on the Map



2040 Future Land Use Map

www.boonecountygis.com



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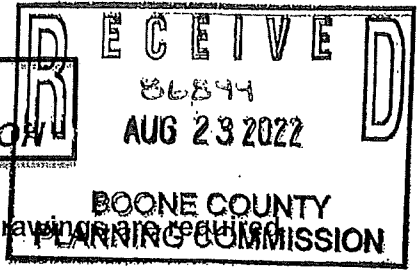
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Boone County GIS
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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N/A
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Walton KY 41094
City State Zip Code
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Email: drdobro@cinci.rr.com

10. Proposed Use(s) on Site: Cemetery

11. Total Square Footage of Existing and/or Proposed Buildings: n/a

12. Current Zoning: A-2

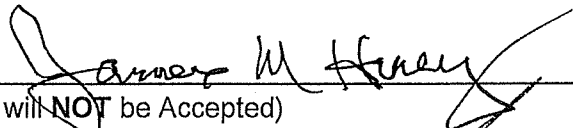
13. 1100 519 2069 11794
Deed Book Page Group Number


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

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ORIGINAL Applicant's Signature: 
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SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 8/23/22 Fee Received: \$ 766 - Receipt #: 86844

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

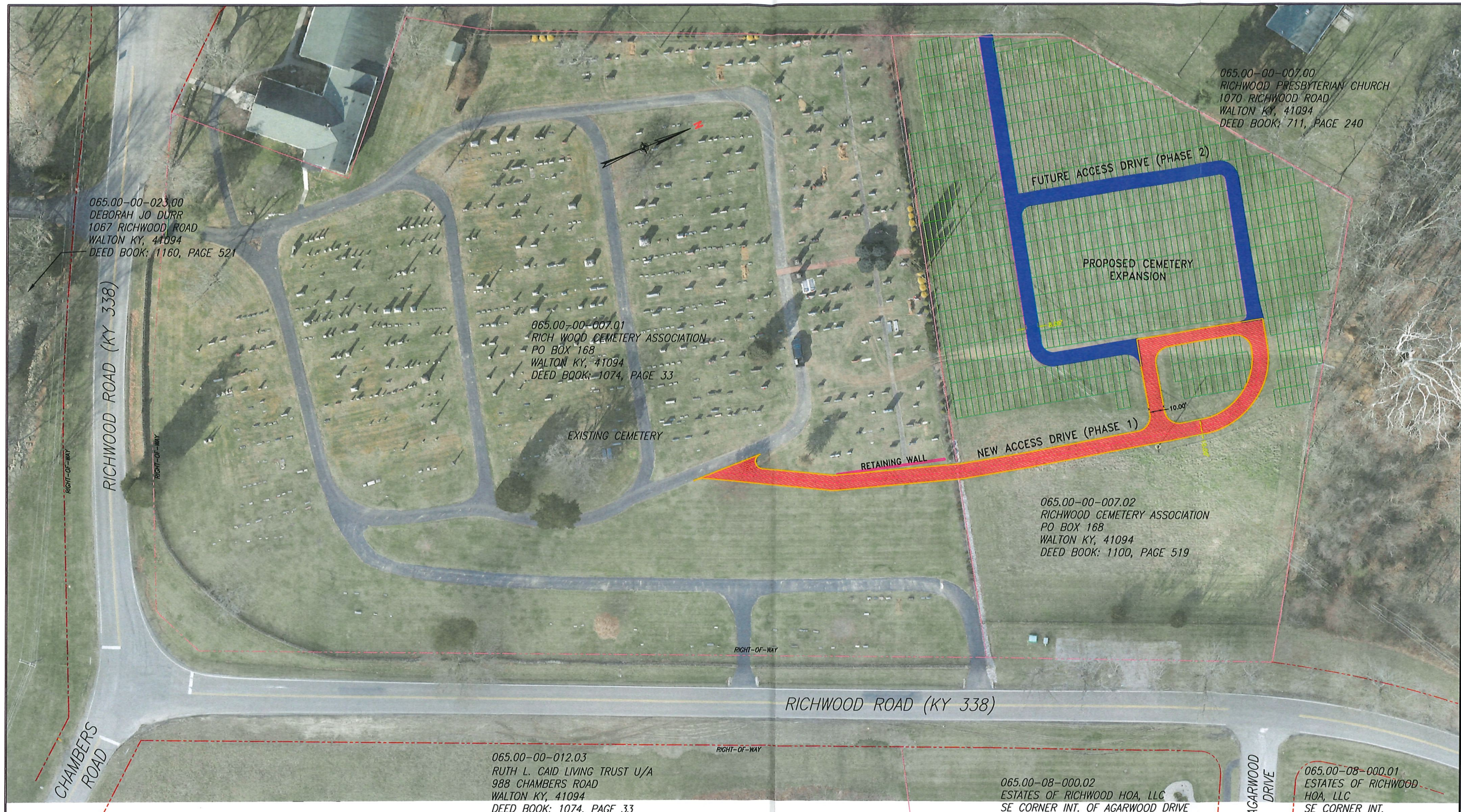
_____ Approved with Conditions (see #6)

_____ 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
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org



065.00-00-023.00
DEBORAH JO DURR
1067 RICHWOOD ROAD
WALTON KY, 41094
DEED BOOK: 1160, PAGE 521

065.00-00-007.01
RICH WOOD CEMETERY ASSOCIATION
PO BOX 168
WALTON KY, 41094
DEED BOOK: 1074, PAGE 33

065.00-00-007.00
RICHWOOD PRESBYTERIAN CHURCH
1070 RICHWOOD ROAD
WALTON KY, 41094
DEED BOOK: 711, PAGE 240

FUTURE ACCESS DRIVE (PHASE 2)

PROPOSED CEMETERY EXPANSION

EXISTING CEMETERY

RETAINING WALL

NEW ACCESS DRIVE (PHASE 1)

065.00-00-007.02
RICHWOOD CEMETERY ASSOCIATION
PO BOX 168
WALTON KY, 41094
DEED BOOK: 1100, PAGE 519

RICHWOOD ROAD (KY 338)

065.00-00-012.03
RUTH L. CAID LIVING TRUST U/A
988 CHAMBERS ROAD
WALTON KY, 41094
DEED BOOK: 1074, PAGE 33

065.00-08-000.02
ESTATES OF RICHWOOD HOA, LLC
SE CORNER INT. OF AGARWOOD DRIVE
AND RICHWOOD ROAD
WALTON KY, 41094
DEED BOOK: 983, PAGE 311

065.00-08-000.01
ESTATES OF RICHWOOD HOA, LLC
SE CORNER INT. OF AGARWOOD DRIVE AND RICHWOOD ROAD
WALTON KY, 41094
DEED BOOK: 983, PAGE 311

CHAMBERS ROAD

AGARWOOD DRIVE

RECEIVED
AUG 23 2022
BOONE COUNTY
PLANNING COMMISSION



NOTE: THE EXISTING BOUNDARY INFORMATION SHOWN IS BASED UPON AVAILABLE GIS INFORMATION AND DOES NOT REPRESENT A BOUNDARY SURVEY PERFORMED BY RIEGLER BLACKTOP OR ITS SUBCONTRACTORS.

UTILITY AND EASEMENT NOTE
All utilities should be field verified before any construction begins. Any contractor, owner, or designer is hereby forewarned that any excavation upon this site may result in the discovery of additional underground utilities not shown hereon. This plan depicts all visible easements and easements of record only as discovered during the course of this survey and does not warrant the depiction of all easements and/or encroachments.



DATE	NO.	REVISION DESCRIPTION

RIEGLER BLACKTOP, INC.
DESIGN BUILD SERVICES
DANIEL M. RIEGLER, P.E.
165 WEAVER ROAD
FLORENCE, KY 41042

RICHWOOD CEMETERY
EXPANSION
3259 POINT PLEASANT ROAD
HEBRON, KY 41048

DATE: AUGUST 22, 2022
DESIGNED BY: DMR
CHECKED: MLR
PROJECT NO. 5858

CONCEPT PLAN
FOR
CONDITIONAL
USE PERMIT

SHEET NO.
C1

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Richwood Cemetery Association
151 Engineering Way
Georgetown, KY 40324
2. ADDRESS OF PROPERTY
3675 North Bend Rd
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Richwood Cemetery
4. DEED BOOK 1100 PAGE NO. 519 GROUP NO. 2069
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, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

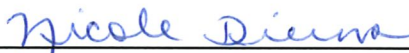
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone
County Planning Commission this 16th day of September, 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.)