

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
89814
JAN 23 2024
BOONE COUNTY
PLANNING COMMISSION

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

008

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: Patrick D. Muldoon

Address: P.O. Box 104

Hebron City Ky. State 41048 Zip Code

Phone Number: 859-394-2252 Fax Number: _____

Email: Dooner2552@gmail.com

4. Description of Request: The majority part of the building is for Agricultural Tractors and Equipment.

5. Name of Development: Muldoon

6. Location of Development: 1728 Elizabeth Cr. Rd.

Hebron City Ky. State 41048 Zip Code

7. Acreage Under Review: 14.468 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: Patrick D. Muldoon

Address: P.O. Box 104

Hebron City Ky. State 41048 Zip Code

Phone Number: 859-394-2252 Fax Number: _____

Email: Dooner2552@gmail.com

10. Proposed Use(s) on Site: CORN, soy beans / chickens

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

12. Current Zoning: I-1

13. 326 905 131 107 2008
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.

Property Owner's Signature: Patrick D. Muldon

Applicant's Signature: Patrick D. Muldon

*Due to travel plans I would like to be at the
march 13th Hearing.*

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

1. Date Received: 1/23/24 Fee Received: \$1116 Receipt #: 89816

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 3/13/2024

5. Board Action: 3/13/2024

Approved (Override the Zoning Administrator's Decision & approve the dwelling unit)

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

#1

APPLICANT: Patrick Muldoon

LOCATION: 1728 Elijah Creek Road, Boone County, Kentucky

ZONING: Industrial One (I-1)

DATE: March 13, 2024

DESCRIPTION OF REQUEST AND ISSUE

1. On January 10, 2024, the Boone County Zoning Administrator denied a zoning permit application for a barn structure with a residence.
2. The applicant is appealing the Boone County Zoning Administrator's decision.

PERTINENT REGULATIONS

1. The Boone County Zoning Map identifies the property located at 1728 Elijah Creek Road as being zoned Industrial One (I-1).
2. Section 505.4 of the zoning regulations identify 'single-family dwelling unit' as a prohibited use within the I-1 district.
3. Section 3115 of the zoning regulations states that land used for agricultural uses, as defined in ARTICLE 40, are exempt from requirements for zoning permits, certificates of occupancy, and height and yard standards for agricultural buildings, except that:
 - a. Set back lines may be enforced for the protection of existing and proposed streets and highways.
 - b. That all buildings and structures in flood areas designed under local flood protection control areas may be fully regulated.
4. KRS 100.203(4) states that a zoning ordinance text may have 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 100.100(2)(c) may be subject to regulation as a conditional use.

PREVIOUS ACTIONS

1. On October 30, 1992, the Boone County Planning Commission approved a zoning permit to allow the construction of a single-family residential dwelling on the site in question (Exhibit A).
2. On May 13, 1993, the Boone County Planning Commission approved a zoning permit as a revision to the previously approved zoning permit dated October 30, 1992 (Exhibit B).
3. On July 19, 2021, the Boone County Planning Commission approved a zoning permit to allow the construction of a barn (the building in question) as a farm exempt property with the notation that the structure must be used for an agricultural use as defined by KRS 100.111 (Exhibit C).
4. On January 10, 2024, the Boone County Zoning Administrator denied a zoning permit application to allow the existing structure to be used as a barn and a single-family residential dwelling unit (Exhibit D).

ANALYSIS

1. The existing structure has a total of 6,391 square feet, 5,400 square feet on the first floor and 991 square feet on the second floor.
2. The submitted plans indicate that 54% of the structure will be used as a barn/garage space and 44% of the structure will be used as a single-family residential dwelling unit.
3. A detached single-family residential structure is currently located on the site in question.
4. The proposed building is not an agricultural building since it has a residential component.
5. The I-1 district prohibits single-family residential dwellings in addition to prohibiting two single-family residential dwellings on the same lot.

CONCLUSION

Section 160 of the Boone County Subdivision Regulations give the Boone Board of Adjustment the authority to act on this request. In order for an appeal to be granted, the Board must determine that the administrative decision in question is in error.

Respectfully submitted,



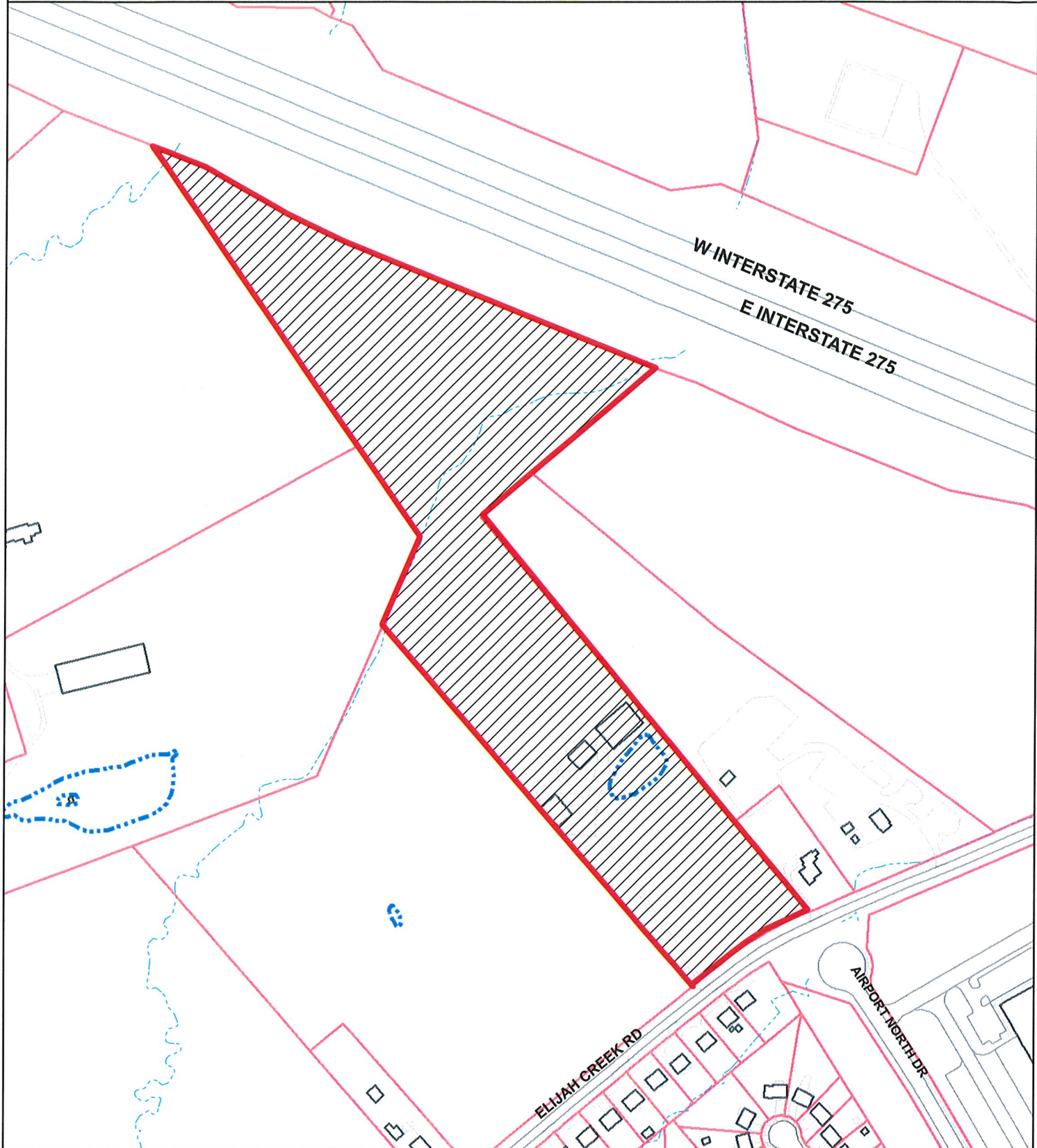
Michael D. Schwartz
Director, Zoning Services
Zoning Administrator

Attachments

- Vicinity Map
- Zoning Map
- Application
- Attachment A: October 30, 1992 Approved Zoning Permit
- Attachment B: May 13, 1993 Approved Zoning Permit Revision
- Attachment C: July 19, 2021 Approved Zoning Permit
- Attachment D: January 10, 2024 Denied Zoning Permit

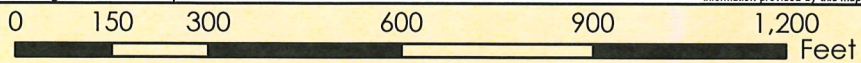
Vicinity Map

www.boonecountygis.com



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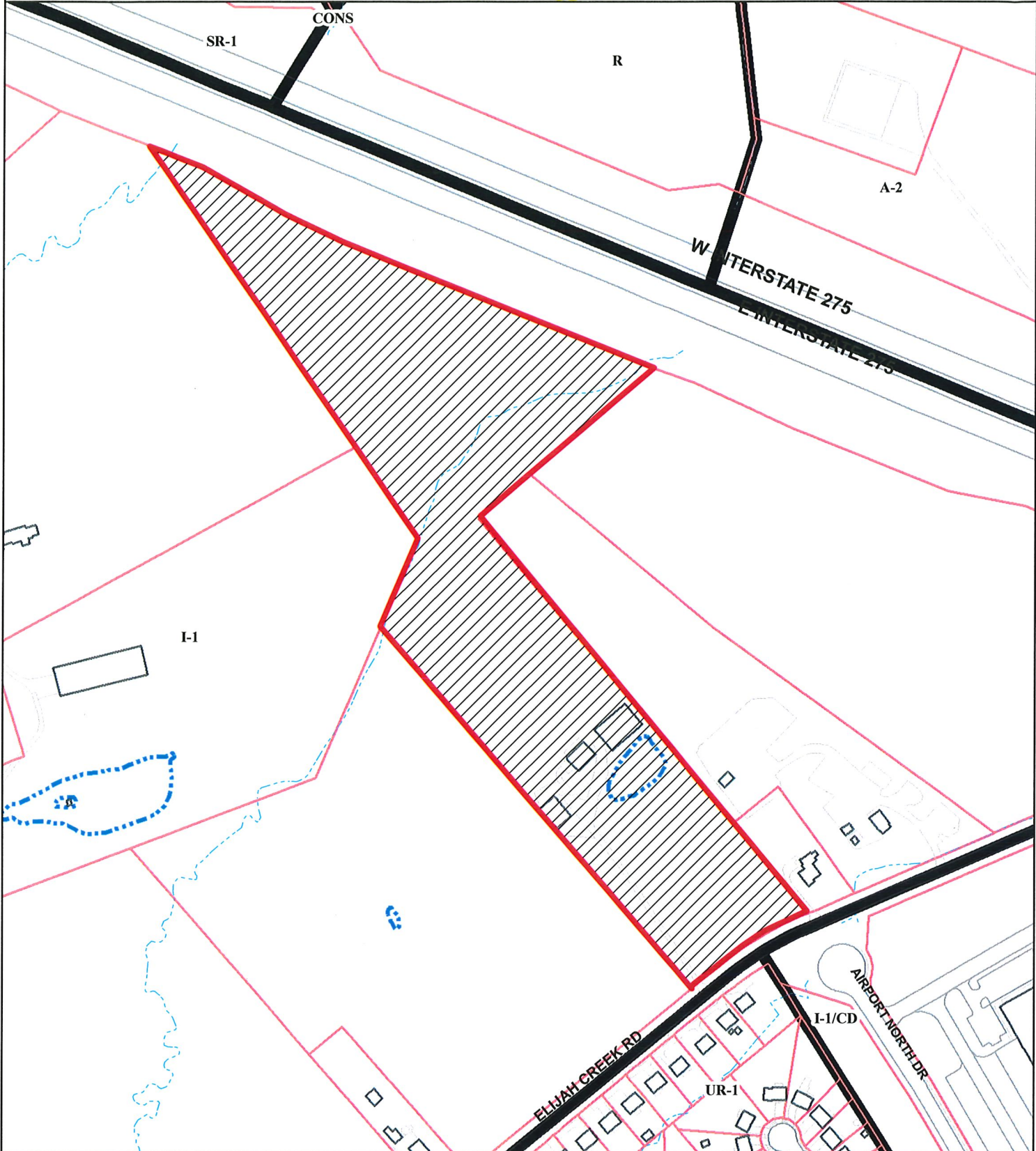
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Boone County GIS
ArcMap Document: *.mxd

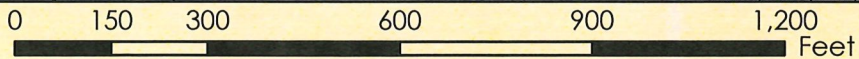
Zoning Map

www.boonecountygis.com



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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Boone County GIS
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
89816
JAN 23 2024
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: Patrick D. Muldoon

Address: P.O. Box 104

Hebron Ky. 41048
City State Zip Code

Phone Number: 859-394-2252 Fax Number: _____

Email: Doover 2552 @ gmail.com

4. Description of Request:
The majority part of the building is for Agricultural Tractors and Equipment.

5. Name of Development: Muldoon

6. Location of Development: 1728 Elijah Cr. Rd.

Hebron Ky. 41048
City State Zip Code

7. Acreage Under Review: 14.468 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: Patrick D. Muldoon

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Hebron Ky. 41048
City State Zip Code

Phone Number: 859-394-2252 Fax Number: _____

Email: Doover 2552 @ gmail.com

10. Proposed Use(s) on Site: CORN, Soy Beans / chickens

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

12. Current Zoning: I-1

13. 326 905 137 107 2008
Deed Book Page Group Number

14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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Property Owner's Signature: Patrick D. Muldon

Applicant's Signature: Patrick D. Muldon

*Due to travel plans I would like to be at the
March 13th Hearing.*

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

1. Date Received: 1/23/24 Fee Received: \$ 1116 Receipt #: 89816

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

NAME OF APPLICANT AND ADDRESS: C. M. Welch 2401 HARMON ST COV. KY
 NAME OF PROPERTY OWNER AND ADDRESS: C. M. Welch 1728 ELIJAH CRK RD. HEBRON KY 41040

NOTICE
 I, or we, understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

APPLICANT'S SIGNATURE: [Signature]

DATE: 10-30-92 Phone Number: 431-0726

Review # _____

**This Portion of the Application to be Completed
 the Boone County Planning Commission**

Zoning District	Date <u>10-30-92</u>	Fee	\$25.00	\$40.00
Approved <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>		\$10.00	None <input checked="" type="checkbox"/>
Staff Reviewer <u>Jeff Hayes</u>	Address/Location <u>1728 Elijah Creek</u>			
Subdivision <u>N/A</u>				
Lot # <u>N/A</u>	Section #	Block/Phase #		

Type of Improvement			
<input checked="" type="checkbox"/>	Single Family Residence	<input type="checkbox"/>	Detached Garage
<input type="checkbox"/>	Duplex	<input type="checkbox"/>	Garage Addition
<input type="checkbox"/>	Three Family	<input type="checkbox"/>	Porch or Deck
<input type="checkbox"/>	Apartment (# units ___)	<input type="checkbox"/>	Barn or Shed
<input type="checkbox"/>	Townhouse (# units ___)	<input type="checkbox"/>	Swimming Pool
<input type="checkbox"/>	Mobile Home	<input type="checkbox"/>	Tenant Finish
<input type="checkbox"/>	Residential Addition	<input type="checkbox"/>	Other _____
Jurisdiction			
<input checked="" type="checkbox"/>	Boone County	<input type="checkbox"/>	Florence
<input type="checkbox"/>	Walton	<input type="checkbox"/>	Union
Post Office			
<input type="checkbox"/>	Burlington	<input type="checkbox"/>	Florence
<input type="checkbox"/>	Walton	<input type="checkbox"/>	Union
<input checked="" type="checkbox"/>	Hebron	<input type="checkbox"/>	Verona
<input type="checkbox"/>	Petersburg	<input type="checkbox"/>	Erlanger
<input type="checkbox"/>	Crittenden	<input type="checkbox"/>	
Group # <u>2010</u> Reference Group # _____ Census Tract # _____			

Boundary
 S
 N

1770
 Drive

830

ELIJAH CREEK ROAD

5' Drive

101'

203'

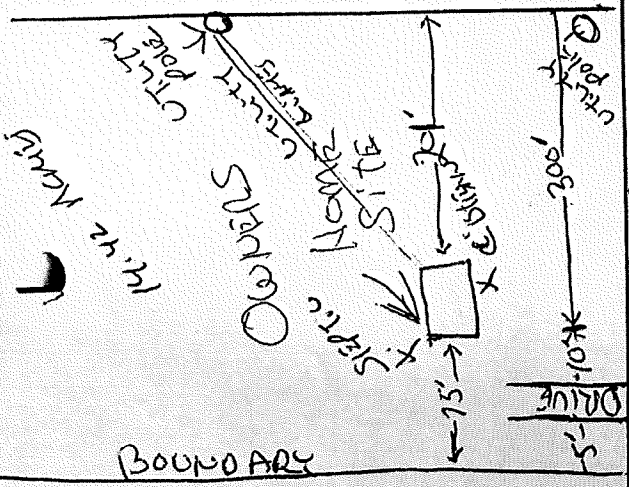
City Park

Drive

1664 Drive

1691

1691



Plan had
 previous farm exception
 on 10-4-89. Renewed
 11-2-92.

Problems
 2
 Drains
 issued

1615?

1613 Drive

Drive

NAME OF APPLICANT AND ADDRESS: C.M. Welch 2401 HERMAN ST. COVINGTON
 NAME OF PROPERTY OWNER AND ADDRESS: LL - 11410W

NOTICE

I, or we, understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

APPLICANT'S SIGNATURE: [Signature]

DATE: 5-11-93 Phone Number: 431-0746-5661029

Review # _____

**This Portion of the Application to be Completed
 the Boone County Planning Commission**

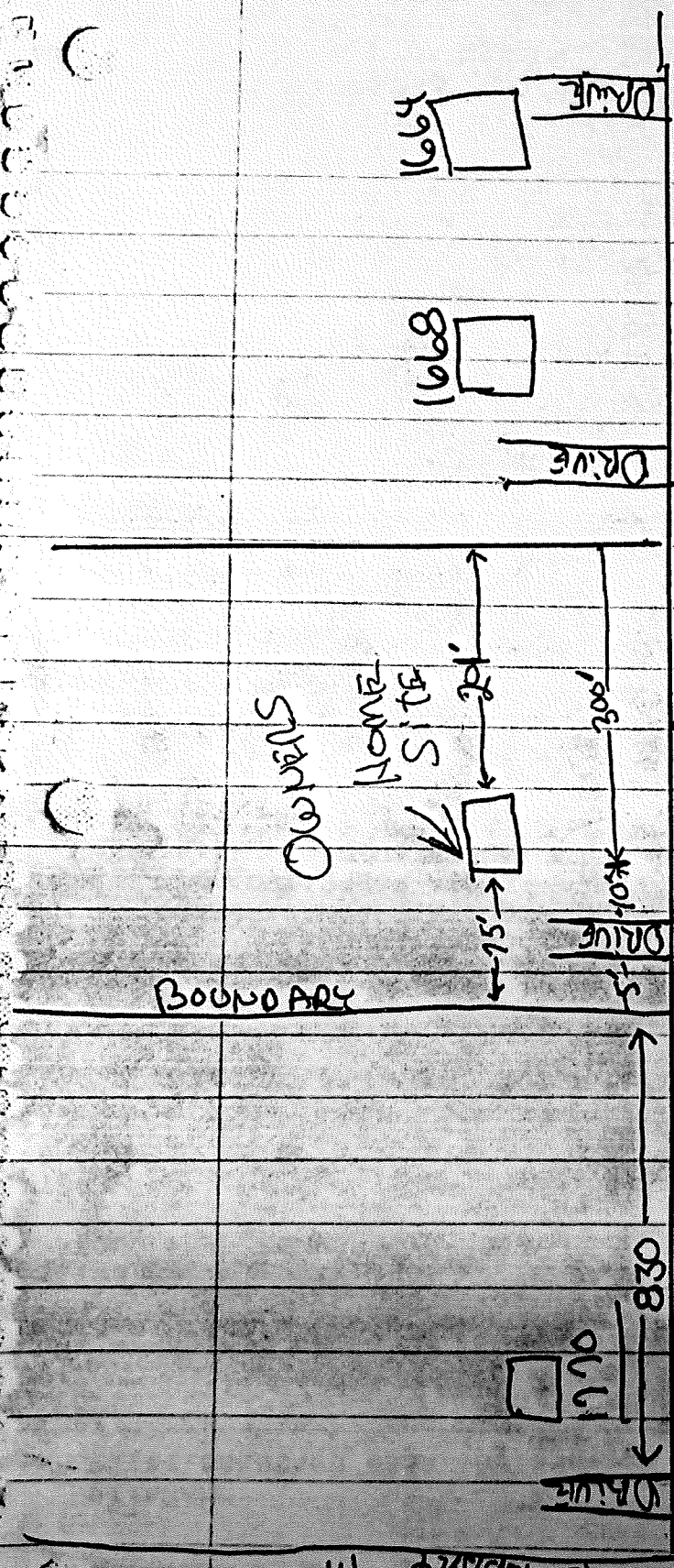
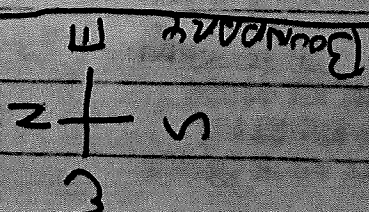
Zoning District	I-1	Date	5/13/93	Fee	\$25.00	\$40.00
Approved	<input checked="" type="checkbox"/>	Denied	<input type="checkbox"/>		\$10.00	X None
Staff Reviewer	Amy Moore		Address/Location	1728 Elijah Creek Rd.		
Subdivision						
Lot #	Section #		Block/Phase #			

farm exempt

Revision to Zoning Permit issued on 10/30/92 and still valid.

Type of Improvement	
<input checked="" type="checkbox"/> Single Family Residence	<input type="checkbox"/> Detached Garage
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage Addition
<input type="checkbox"/> Three Family	<input type="checkbox"/> Porch or Deck
<input type="checkbox"/> Apartment (# units ___)	<input type="checkbox"/> Barn or Shed
<input type="checkbox"/> Townhouse (# units ___)	<input type="checkbox"/> Swimming Pool
<input type="checkbox"/> Mobile Home	<input type="checkbox"/> Tenant Finish
<input type="checkbox"/> Residential Addition	<input type="checkbox"/> Other _____
Jurisdiction	
<input checked="" type="checkbox"/> Boone County	<input type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
Post Office	
<input type="checkbox"/> Burlington	<input type="checkbox"/> Florence
<input type="checkbox"/> Walton	<input type="checkbox"/> Union
<input checked="" type="checkbox"/> Hebron	<input type="checkbox"/> Verona
<input type="checkbox"/> Petersburg	<input type="checkbox"/> Erlanger
<input type="checkbox"/> Crittenden	
Group # <u>2010</u>	Reference Group # _____
	Census Tract # _____

MAY 12 1993



1675?
 1668
 1664
 1970
 200'
 21'
 15'
 BOUNDARY
 ELIJAH CREEK ROAD
 DRIVE
 DRIVE
 DRIVE
 DRIVE
 HOME SITE
 DOWNS
 1675?
 1668
 1664
 1970
 200'
 21'
 15'
 BOUNDARY
 ELIJAH CREEK ROAD
 DRIVE
 DRIVE
 DRIVE
 DRIVE
 HOME SITE
 DOWNS

BUILDING ADDRESS OR LOCATION: 1728 ELIJAH CREEK ROAD

NOTICE: I certify that what is submitted is true and accurate and I or we understand and agree that all construction work will be performed in accordance with this Zoning Permit Application, the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

NAME AND ADDRESS OF APPLICANT: PATRICK D. MILDON
 please print 1728 Elijah Cr. Rd. Hebron, Ky.

SIGNATURE OF APPLICANT: Patrick D. Mildon
 as authorized by property owner

DATE: _____ **PHONE:** 859-394-2252 **E-MAIL:** DOONER2552@gmail.com

Below this line to be completed by the Boone County Planning Commission

Zoning: <u>I-1</u>	Date:	Fee:	\$90.00	<input checked="" type="checkbox"/>	Farm Exempt
<input checked="" type="checkbox"/> Approved *	Denied	<u>N/A</u>	\$45.00		(No Fee)
Staff Reviewer: <u>K. WALL</u>		Address: <u>1728 ELIJAH CREEK RD</u>			
Subdivision: <u>N/A</u>					
Lot:	Section:	Block/Phase:	Group No.: <u>2008</u>	Census: <u>704.02</u>	

* STRUCTURE MUST BE USED FOR AN AGRICULTURAL USE AS DEFINED BY KRS 100.11.

TYPE OF IMPROVEMENT:

<input type="checkbox"/>	Single Family Residence	<input type="checkbox"/>	Detached Garage
<input type="checkbox"/>	Duplex	<input checked="" type="checkbox"/>	Garage Addition
<input type="checkbox"/>	Mobile Home	<input checked="" type="checkbox"/>	Barn or Shed
<input type="checkbox"/>	Residential Addition	<input type="checkbox"/>	Above Ground Pool
<input type="checkbox"/>	Porch or Deck	<input type="checkbox"/>	In Ground Pool
<input type="checkbox"/>	Other:		

JURISDICTION:

<input checked="" type="checkbox"/>	Unincorporated Boone County	<input type="checkbox"/>	City of Florence
<input type="checkbox"/>	City of Walton	<input type="checkbox"/>	City of Union

POST OFFICE (ZIP CODE):

<input type="checkbox"/>	Burlington (41005)	<input type="checkbox"/>	Florence (41042)
<input type="checkbox"/>	Walton (41094)	<input type="checkbox"/>	Union (41091)
<input checked="" type="checkbox"/>	Hebron (41048)	<input type="checkbox"/>	Verona (41092)
<input type="checkbox"/>	Petersburg (41080)	<input type="checkbox"/>	Erlanger (41018)
<input type="checkbox"/>	Crittenden (41030)	<input type="checkbox"/>	Independence (41051)

RECEIVED
 farm exempt
 JUL 19 2021
 BOONE COUNTY
 PLANNING COMMISSION

- 1728 ELIJAH CREEK RD
- POLE BARN

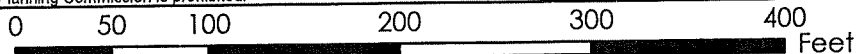
Boone County GIS Map

www.boonecountygis.com



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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2021

ArcMap Document: *.mxd



Cindy Arlinghaus Martin, CPA

Boone County

Property Valuation Administrator

Chris Cross
Chief Deputy

**APPLICATION FOR VALUATION, ASSESSMENT AND TAXATION OF LAND
UNDER THE AGRICULTURAL AND HORTICULTURAL USE ACT**

County Boone

Application is hereby made for valuation, assessment and taxation of land as Agricultural land (KRS 132.010(9)) or Horticultural Land (KRS 132.010(10)). The land covered by this application is actively used for agricultural or horticultural use. The following declarations are herewith submitted in support of such application:

PROPERTY OWNER INFORMATION:

OWNER(S):

MAILING ADDRESS:

Donohoe & Muldon Family L. Partnership 1728 Elijah Ln. Rd. Lebanon, KY 41048

DAYTIME PHONE: 958-394-2252

E-MAIL: _____

PROPERTY INFORMATION:

1. PROPERTY ADDRESS LOCATION: 1728 Elijah Ln. Rd.
2. ACREAGE USED IN CONNECTION WITH OWNER'S DWELLING HOUSE*: 12 acrs
3. ACREAGE FOR AGRICULTURAL/HORTICULTURAL USE (INCLUDING PASTURES): 9
4. ACREAGE OF WOODLANDS: 5
5. OTHER ACREAGE: _____
5. TOTAL ACREAGE: 14.68 ✓

DESCRIBE CURRENT AGRICULTURAL/HORTICULTURAL USE(S). ATTACH ADDITIONAL PAGES IF NEEDED.

Soybeans or Corn ✓

NUMBER OF STRUCTURES: 0 NONE, LAND ONLY 1 RESIDENCE(S) 1 OUTBUILDING(S)

MOBILE HOME YEAR, MAKE, MODEL: _____ PLEASE BE SURE TO COMPLETE BACK OF APPLICATION

PLEASE INDICATE SUPPORTING DOCUMENTATION ENCLOSED: _____ RECENT SCHEDULE F (FORM 1040)* ONLY REQUIRED IF APPLYING FOR HORTICULTURE
_____ COPY OF CURRENT LEASE OTHER: _____

SIGNATURE AND VERIFICATION:

I DECLARE UNDER THE PENALTIES PROVIDED BY LAW, THAT THIS APPLICATION AND ANY SUPPORTING MATERIAL HAVE BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE AND CORRECT AND THAT PURSUANT TO KRS 132.010, THIS PROPERTY QUALIFIES AS AGRICULTURAL/HORTICULTURAL PROPERTY.

SIGNATURE: [Signature] DATE: 12/18/19

RESERVED FOR OFFICE USE

This application is: _____ Approved beginning year _____ Not Approved, Reason _____

PARCEL NUMBER(S): 047.00.00.08.01

[Signature] DATE: 12/3/19
PVA/DEPUTY

*Including, but not limited to lawns, drives, flower gardens, swimming pools, or other areas devoted to family recreation. See KRS 132.450(2)(a)

Do not include acreage of housing occupied by farm or horticultural workers employed by or engaged by the property owner in work on the property.

This application shall be valid until the property is transferred or the land use is changed.

(BACK)

OUTBUILDING #1:

SIZE: 20 X 30 YEAR BUILT: _____

TYPE OF STRUCTURE: _____ general purpose barn pole barn _____ lean to _____ tool sheds _____ tobacco barn

CONSTRUCTION MATERIAL: _____ metal wood _____ concrete block _____ other: _____

CONSTRUCTION QUALITY: low _____ fair _____ average _____ good _____ excellent

CONDITION OF OUTBUILDING: low _____ fair _____ average _____ good _____ excellent

FLOOR: _____ concrete dirt _____ wood _____ other: _____

ELECTRIC: yes _____ no

OUTBUILDING #2:

SIZE: _____ X _____ YEAR BUILT: _____

TYPE OF STRUCTURE: _____ general purpose barn _____ pole barn _____ lean to _____ tool sheds _____ tobacco barn

CONSTRUCTION MATERIAL: _____ metal _____ wood _____ concrete block _____ other: _____

CONSTRUCTION QUALITY: _____ low _____ fair _____ average _____ good _____ excellent

CONDITION OF OUTBUILDING: _____ low _____ fair _____ average _____ good _____ excellent

FLOOR: _____ concrete _____ dirt _____ wood _____ other: _____

ELECTRIC: _____ yes _____ no

OUTBUILDING #3:

SIZE: _____ X _____ YEAR BUILT: _____

TYPE OF STRUCTURE: _____ general purpose barn _____ pole barn _____ lean to _____ tool sheds _____ tobacco barn

CONSTRUCTION MATERIAL: _____ metal _____ wood _____ concrete block _____ other: _____

CONSTRUCTION QUALITY: _____ low _____ fair _____ average _____ good _____ excellent

CONDITION OF OUTBUILDING: _____ low _____ fair _____ average _____ good _____ excellent

FLOOR: _____ concrete _____ dirt _____ wood _____ other: _____

ELECTRIC: _____ yes _____ no

OUTBUILDING #4:

SIZE: _____ X _____ YEAR BUILT: _____

TYPE OF STRUCTURE: _____ general purpose barn _____ pole barn _____ lean to _____ tool sheds _____ tobacco barn

CONSTRUCTION MATERIAL: _____ metal _____ wood _____ concrete block _____ other: _____

CONSTRUCTION QUALITY: _____ low _____ fair _____ average _____ good _____ excellent

CONDITION OF OUTBUILDING: _____ low _____ fair _____ average _____ good _____ excellent

FLOOR: _____ concrete _____ dirt _____ wood _____ other: _____

ELECTRIC: _____ yes _____ no

047.00-00 018.00

0390876
47-18

APPLICATION
VALUATION, ASSESSMENT AND TAXATION OF LAND
UNDER THE AGRICULTURAL AND HORTICULTURAL LAND USE ACT

County Berea

Application is hereby made for valuation, assessment and taxation of certain land, hereinafter more particularly described, under the Farmland Assessment Act of 1970. The land covered by this application is actively devoted to agricultural or horticultural use. The following declarations are herewith submitted in support of such application:

1. The owner(s) of the land for which this application is made is(are) Muldrow, Patrick & Laura.

2. The land, for which this application is made, is located at: 1669 Elijah Creek Rd.
described as 37.209 AC

3. LAND CLASSIFICATIONS: 4 Number of Acres
1. Cultivation Base: Class I 4 Class III _____ 3. Permanent Pasture Base _____ TOBACCO: Basic Poundage 1297
Class II 27 Class IV _____ 4. Noncropland Base _____
2. Hay and Meadow Base 27 (Woodland, Wasteland) 5

	No. of Acres	No. of Acres
1. Land under and land used in connection with residence(s)	<u>1</u>	<u>5</u>
2. Total devoted to agricultural or horticultural use	<u>36.2</u>	<u>32</u>
3. Total farm acreage (total of lines 1 and 2)		<u>1</u>
4. Total acreage (if greater than line 3)		<u>31.2</u>
Specify: _____		<u>4</u>
		<u>27</u>

4. The area of such land actively devoted to agricultural or horticultural use, exclusive of the land upon which the farmhouse is located and such additional land as may be actually used in connection with the farmhouse, is not less than 10 acres actively devoted to agricultural use, or 5 acres devoted to horticultural use.

SIGNATURE AND VERIFICATION

The undersigned declares under the penalties provided by law, that this application, including any accompanying schedules and statements, has been examined by him and to the best of his knowledge and belief is true and correct, and that I have filed a Property Tax Return stating my opinion of the fair cash value and the agricultural value of the land for which this application is made.

Dated: 7/24/86

Patrick D. Muldrow
Signature of Individual Owner or Co-Owner

Name of Corporation

Dated: _____

Signature of Corporate Officer Title

RESERVED FOR OFFICIAL USE

This application is approved disapproved.

7/24/86
Date

Cherise P. Henderson
Property Valuation Administrator

BUILDING PERMIT

BOONE COUNTY BUILDING DEPARTMENT

859-334-2218

FOR THE PURPOSE OF: Residential Barn/Garage/Shed
SPECIAL CONDITIONS:
CONTRACTOR(S):
PROJECT/SUBDIVISION: Muldoon Barn
ADDRESS: 1728 ELIJAH CREEK RD
LOT: 047.00-00-018.01
DATE ISSUED: 09-20-2021
PERMIT_NO: STR-2021-00795

THIS PERMIT MUST BE POSTED ON THE PREMISED IN A CONSPICUOUS PLACE SO AS TO BE SEEN FROM THE STREET ON WHICH THE STRUCTURE FACES, IT IS A MIDEMEANOR TO REMOVE OR DEFACE THIS POSTER WITHOUT AUTHORITY.

APPLICANT IS REQUIRED TO ENSURE THAT THERE ARE NO DEED RESTRICTIONS OR COVENANTS PROHIBITING THIS TYPE OF CONSTRUCTION ON THIS PROPERTY.

SECTION A: (To be completed by applicant)

1. Building or Address Location: 1728 Elijah Cr. Rd. Hebron, Ky. 41048
 2. Applicant: Patrick D. Muldoon
 Address: P.O. Box 104
HEBRON City KY. State 41048 Zip Code
 Phone Number: 859-394-2252 Fax Number: _____
 Email: POENER2552@gmail.com

NOTICE: I/we certify that what is submitted is true and accurate and I, or we, understand and agree that all construction work will be performed in accordance with this application, the Boone County Zoning Regulations, and the Boone County Subdivision Regulations.

ORIGINAL Applicant's Signature: Patrick D. Muldoon Date: 1/4/24
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

Zoning: <u>I-1</u>	Date: <u>1/10/2024</u>	Fee: <input checked="" type="checkbox"/> \$90.00	Farm Exempt
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied	<input type="checkbox"/> \$45.00	(no Fee)
Staff Reviewer: <u>M. Schwartz</u>	Address: <u>1728 Elijah Creek Road</u>		
Subdivision: <u>-</u>			
Lot: <u>-</u>	Section: <u>-</u>	Block/Phase: <u>-</u>	Group No: <u>2008</u> Census: <u>704.02</u>

TYPE OF IMPROVEMENT:

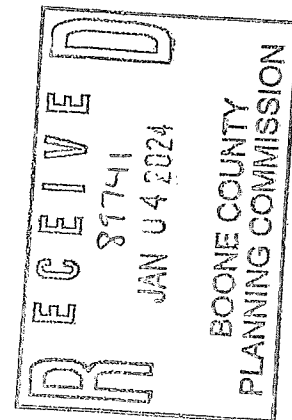
<input checked="" type="checkbox"/> Single Family Residence	Detached Garage
<input type="checkbox"/> Duplex	Garage Addition
<input type="checkbox"/> Mobile Home	<input checked="" type="checkbox"/> Barn or Shed
<input type="checkbox"/> Residential Addition	Above Ground Pool
<input type="checkbox"/> Porch or Deck	In Ground Pool
Other: _____	

JURISDICTION:

<input checked="" type="checkbox"/> Unincorporated Boone County	City of Florence
<input type="checkbox"/> City of Walton	City of Union

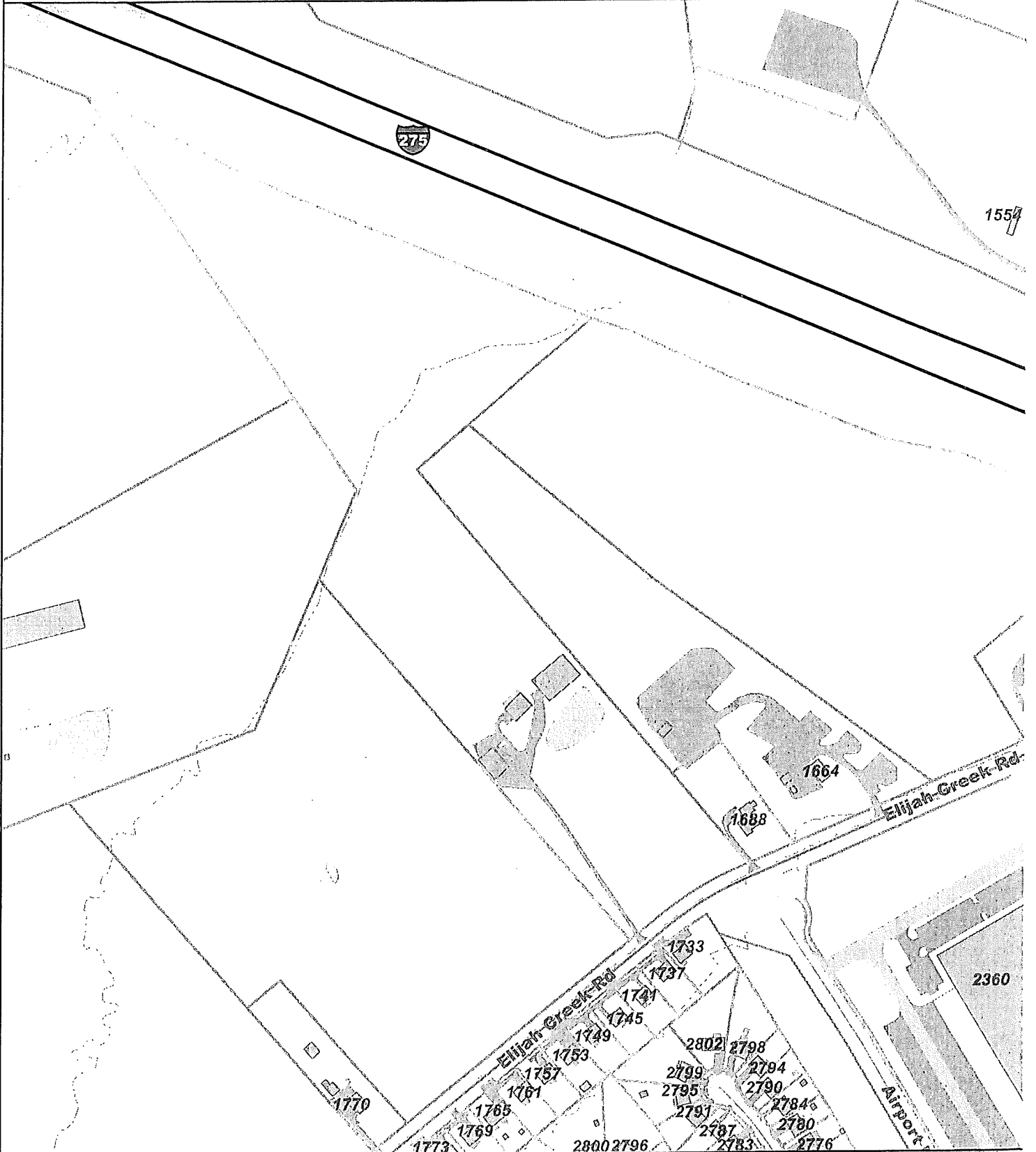
POST OFFICE (ZIP CODE):

<input type="checkbox"/> Burlington (41005)	Florence (41042)
<input type="checkbox"/> Walton (41094)	Union (41091)
<input checked="" type="checkbox"/> Hebron (41048)	Verona (41092)
<input type="checkbox"/> Petersburg (41080)	Erlanger (41018)
<input type="checkbox"/> Crittenden (41030)	Independence (41051)



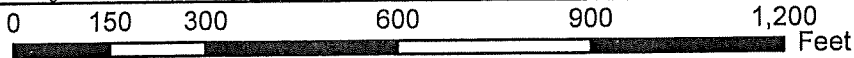
Boone County GIS Map

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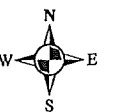
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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

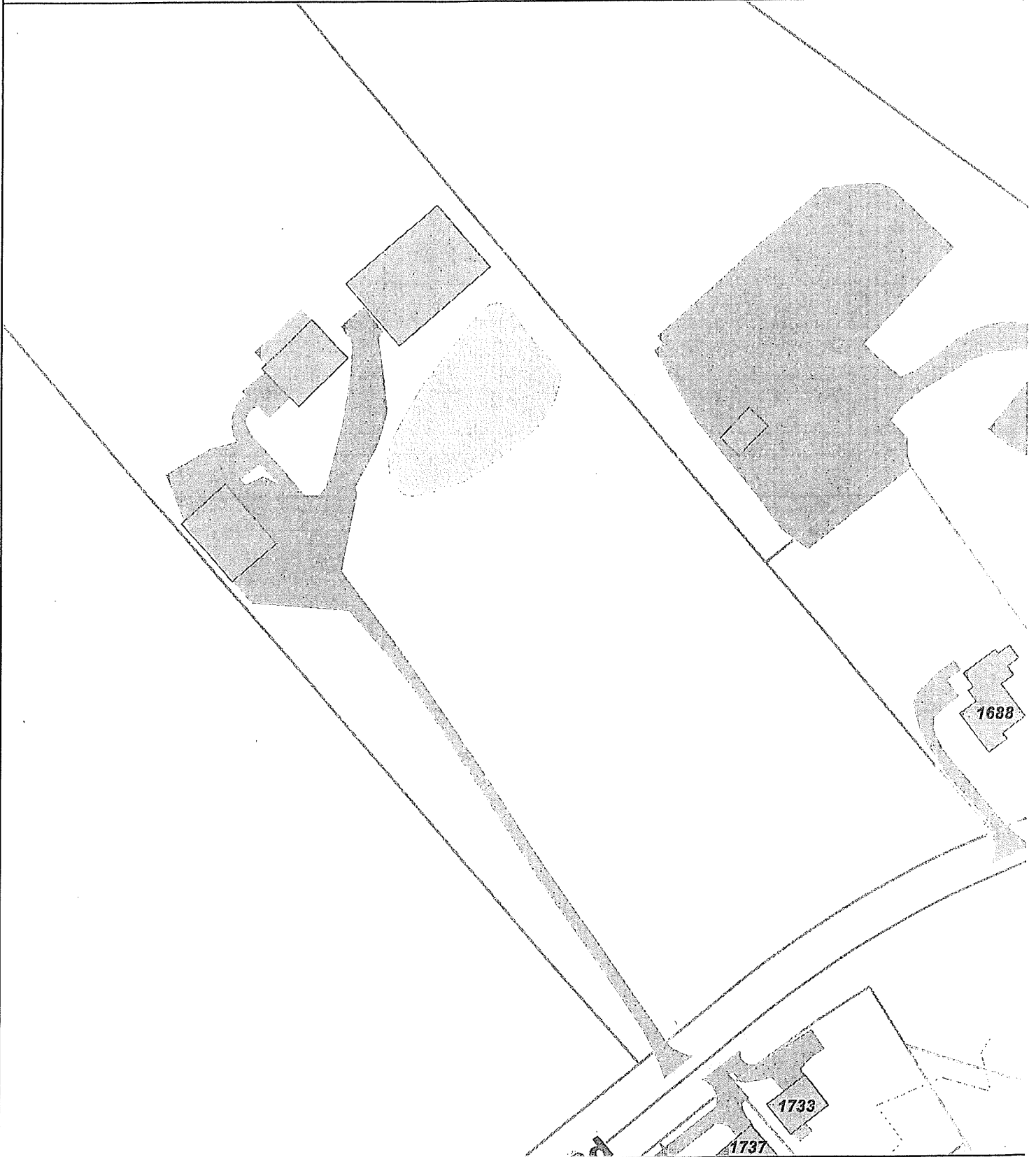


Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

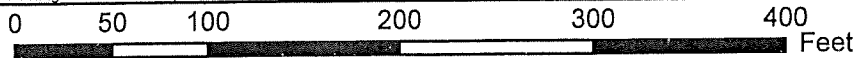
Boone County GIS Map

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1 inch = 100 feet

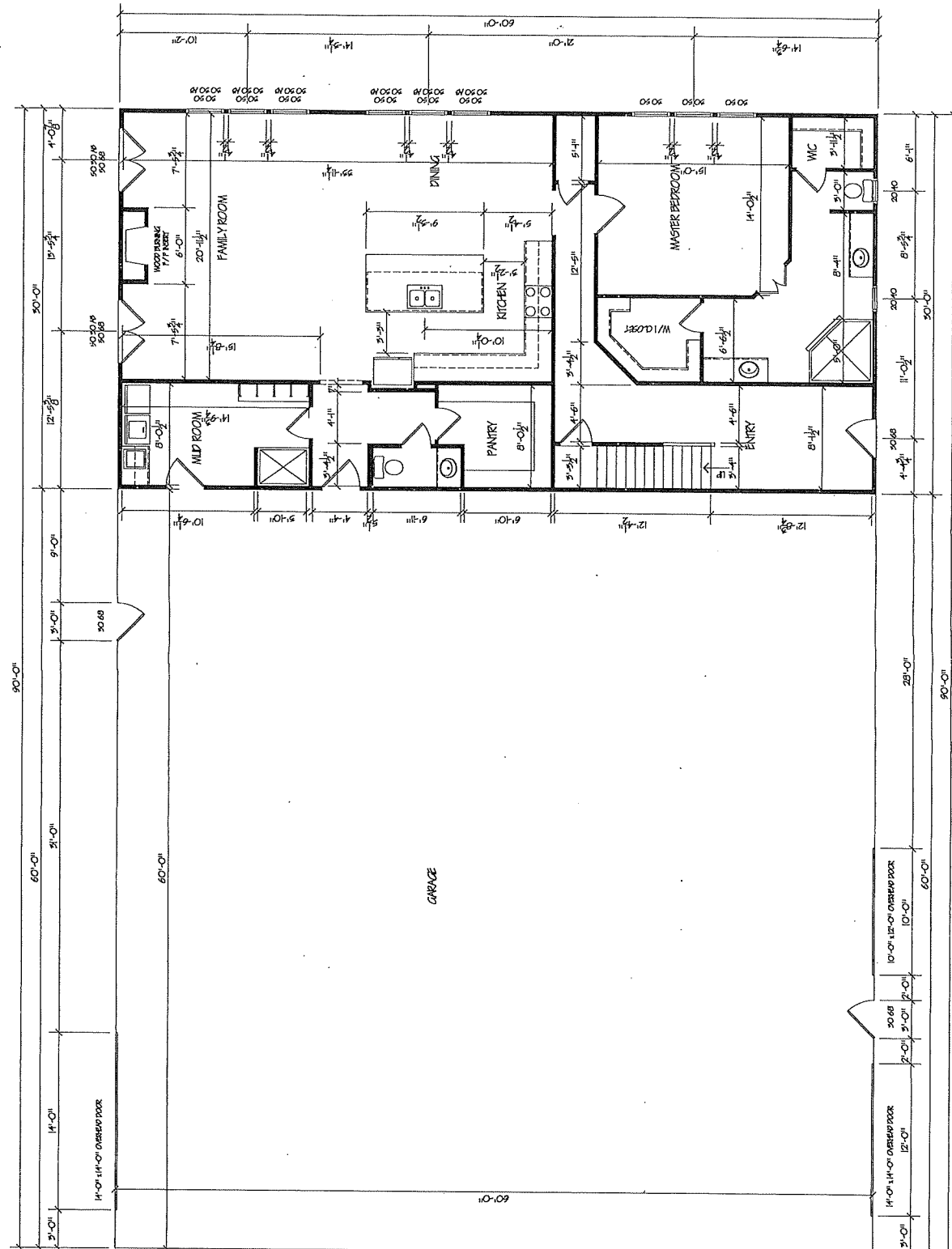


Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2020

ArcMap Document: *.mxd



FIRST FLOOR FRAMING PLAN

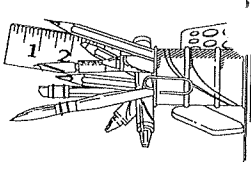
Scale: 1/4" = 1'-0" (24x36)
 Scale: 1/8" = 1'-0" (11x17)

Sheet 3.1
 First Floor
 Framing Plan

Designed By:
 Associates & Enzweiler
 Prepared Residence Plan
 Patrick & Laura M. Lyon
 To Be Determined
 Pidden

10-12-20	Final Set
7-23-20	Final Review / Address
7-15-20	Final Review
7-10-20	Final Review
7-6-20	Final Review
6/29/20	Final Review

ASSOCIATES & ENZWEILER
 ARCHITECTURAL DESIGN STUDIO
 6402 EAST ALPINE AVENUE
 COLORADO SPRINGS, CO 80920
 719.575.4176

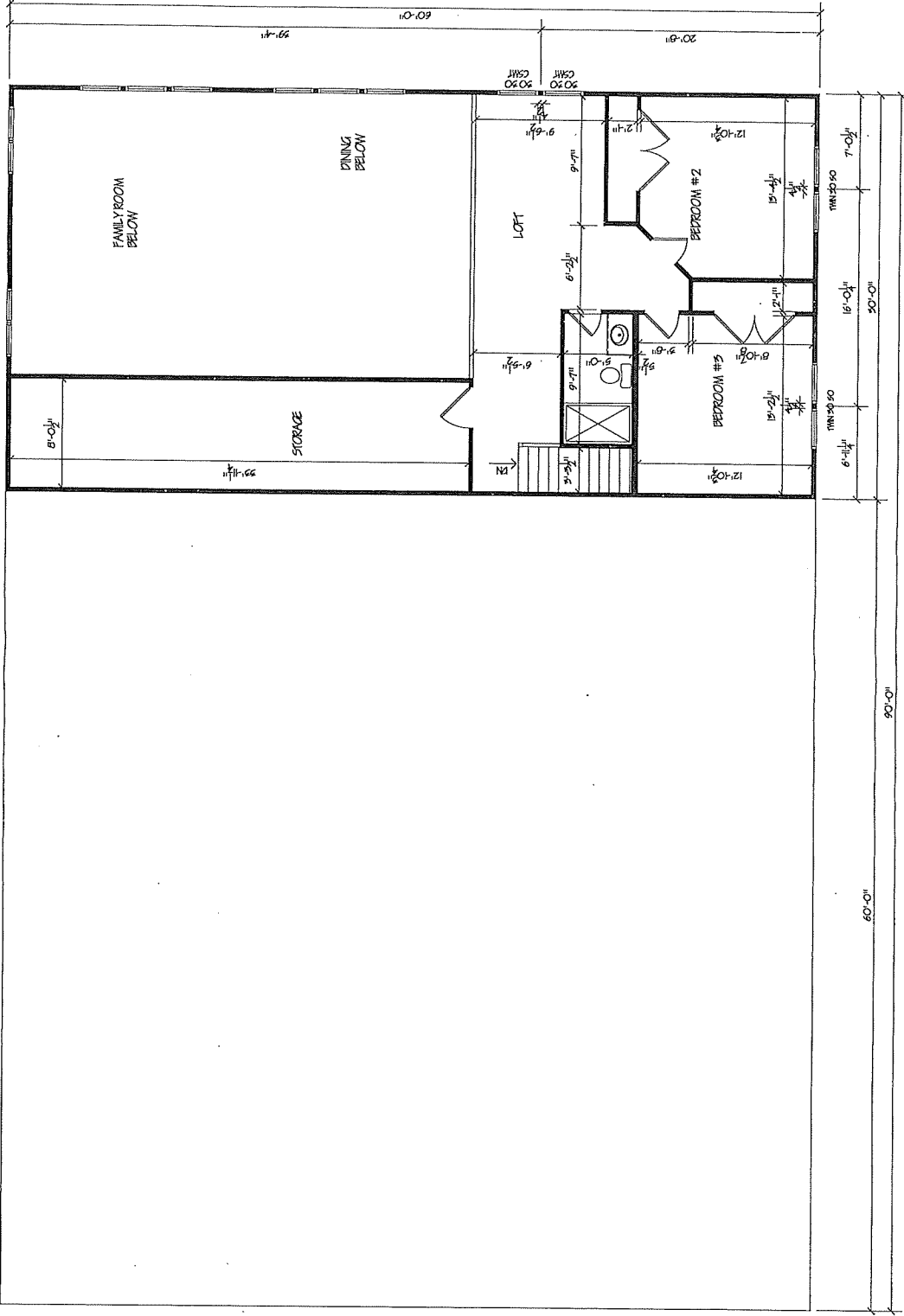


ASSOCIATES
ENZWEILER
 ARCHITECTURAL DESIGN & CONSTRUCTION
 6402 EAST A. WANDA DRIVE
 GOLD SPRING, N.J. 07076

Date	Description
02/12/20	Final Review/Address
07/15/20	Final Review/Permits
07/29/20	Final Review/Permits

Prepared By: **Patrick & Laura Minton**
 Checked By: **Enzweiler Associates & Enzweiler**
 To Be Determined

Sheet 3.2
Second Floor
Framing Plan



SECOND FLOOR FRAMING PLAN

Scales: 1/4" = 1'-0" (24x36)
 Scales: 1/8" = 1'-0" (11x17)



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

MEMORANDUM

TO: Patrick Muldoon Zoning Permit
FROM: Michael D. Schwartz, Director, Zoning Services, Zoning Administrator
DATE: January 10, 2024
SUBJECT: Patrick Muldoon Zoning Permit – 1728 Elijah Creek Road

RE: Is the proposed building a barn with an accessory residential function or is it a residential building with an accessory barn function.

A. PERTINENT REGULATIONS

1. The Boone County Zoning Map identifies the property located at 1728 Elijah Creek Road as being zoned Industrial One (I-1).
2. Section 505.4 of the zoning regulations identify 'single-family dwelling unit' as a prohibited use within the I-1 district.
3. Section 3115 of the zoning regulations states that land used for agricultural uses, as defined in ARTICLE 40, are exempt from requirements for zoning permits, certificates of occupancy, and height and yard standards for agricultural buildings, except that:
 - a. Set back lines may be enforced for the protection of existing and proposed streets and highways.
 - b. That all buildings and structures in flood areas designed under local flood protection control areas may be fully regulated.
4. KRS 100.203(4) states that a zoning ordinance text may have 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 100.100(2)(c) may be subject to regulation as a conditional use.

B. PREVIOUS ACTIONS/APPROVALS

1. On October 30, 1992, the Boone County Planning Commission approved a zoning permit to allow the construction of a single-family residential dwelling on the site in question.
2. On May 13, 1993, the Boone County planning Commission approved a zoning permit as a revision to the previously approved zoning permit dated October 30, 1992.
3. On July 19, 2021, the Boone County Planning Commission approved a zoning permit to allow the construction of a barn (the building in question) as a farm exempt property with the notation that the structure must be used for an agricultural use as defined by KRS 100.111.

C. CURRENT REQUEST

1. The property owner has submitted a zoning permit to allow the existing structure to be used as a barn and a single-family residential dwelling unit.

D. ANALYSIS

1. The existing structure has a total of 7,200 square feet, 5,400 square feet on the first floor and 1,800 square feet on the second floor.
2. The submitted plans indicate that 50% of the structure will be used as a barn/garage space and 50% of the structure will be used as a single-family residential dwelling unit.
3. A detached single-family residential structure is currently located on the site in question.
4. The proposed building is not an agricultural building since half of the floor area would be used for residential purposes.
5. The I-1 district prohibits single-family residential dwellings in addition to prohibiting two single-family residential dwellings on the same lot.

COMMONWEALTH OF KENTUCKY

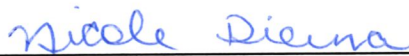
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone
County Planning Commission this 14th day of March, 2024.

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.)