

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
90708
JUN 14 2024
BOONE COUNTY
PLANNING COMMISSION

One (1) scaled copy 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: Savannah Land
Address: 11148 War Admiral Drive
Union Ky 41091
City State Zip Code
Phone Number: (513) 544-0493 Fax Number: _____
Email: landsavannah@yahoo.com
4. Description of Request:
Lash extensions / Personal training
5. Name of Development: NA
6. Location of Development: 11148 War Admiral Drive
Union Ky 41091
City State Zip Code
7. Acreage Under Review: 0.52 acres
8. Lot Number and Name of Subdivision (if part of a subdivision):
Triple Crown Country Club, Section 26, Block G, Lot 119
9. Current Owner: Robert Land
Address: 11148 War Admiral Drive
Union Ky 41091
City State Zip Code
Phone Number: (859) 630-7598 Fax Number: _____
Email: landr1989@gmail.com

10. Proposed Use(s) on Site: Sec # 4

11. Total Square Footage of Existing and/or Proposed Buildings: 5,735

12. Current Zoning: SR-1

13. 1147 924 2064
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: Robert Carl

Applicant's Signature: Savannah Hand

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

1. Date Received: 6/14/24 Fee Received: \$816 Receipt #: 90708

2. Is application complete: ✓

3. Staff Reviewer: Michael Schwartz

4. Scheduled Board Action Date: 7/10/24

5. Board Action: _____

Approved

Approved with Conditions (see #6)

Denial (See #7)

6. Conditions of Approval: SEE 7/10/24 MEETING MINUTES
AND C.C.U.R.

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
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#3

APPLICANT: Savannah and Robert Land

LOCATION: 11148 War Admiral Drive, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: July 10, 2024

PROPOSAL

- A. The Conditional Use Permit is to allow a Home Business (lash extensions and personal training) to be conducted out of the existing single-family residential dwelling.

SITE HISTORY

- 2015 On February 10, 2015, the Boone County Planning Commission staff approved a Final Plat for Triple Crown Country Club, Section 26, Block G, creating the lot in question.
- 2016 On June 16, 2016, the Boone County Planning Commission staff approved a zoning permit to allow the construction of a detached single-family residential dwelling on the site.
- 2022 On June 29, 2022, the Boone County Planning Commission staff approved a zoning permit to allow the construction of a pool on the site.

APPLICABLE REGULATIONS

- A. Section 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only if specific locations in the district and only if certain conditions are met.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 205.H of the Boone County Zoning Regulations.
1. Findings listed in Section 205.H (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 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 any such services.
 - e. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.
 - f. Will 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 designed as not to create an interference with traffic on surrounding public thoroughfares.
- C. Section 903.A 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.
- D. Section 4000 of the Boone County Zoning Regulations defines 'Home Business' and 'Home Occupation' as follows:
 - 1. Home Business: A limited business activity that is incidental and secondary to the primary use of the principal dwelling unit, that is at a scale greater than a home occupation, and is conducted in conformance with the home business requirements of these regulations.
 - 2. Home Occupation: A limited business activity that is incidental and secondary to the primary use of the principal dwelling unit and that is conducted in conformance with the home occupation requirements of this order.
- E. Section 3142.A.1 of the Boone County Zoning Regulations provides for the following supplemental regulations/standards for 'Home Businesses':
 - 1. The use is conducted entirely within a dwelling or in an accessory structure.
 - 2. Other than members of the household residing on the premises, no more than one (1) person who is not a member of the household residing on the premises, may be engaged in the operation of the home business.
 - 3. On site sales or services shall be limited to products and services related to the home business.
 - 4. There shall be no change in the exterior appearance of the building or premises, to evidence that such property is used for a home business.
 - 5. No home business shall result in exterior evidence of such use being conducted by reason of atmospheric pollution, light flashes, glare, odors, noise, or vibration, discernable from abutting properties.

6. There shall be no pickup or delivery by business related commercial vehicles, except for U.S. mail and standard UPS/FedEx sized vehicles.
7. There shall be no outdoor display or storage of goods, equipment, or services that are associated with the home business.
8. No new entrance or separate driveway shall be permitted for the home business.
9. No commercial vehicle associated with the home business shall be permitted on the premises, except within a completely enclosed garage.
10. Signage shall be regulated by ARTICLE 34.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for “Suburban Density Residential” uses which is described as 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:
 1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
 2. 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).
 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 4. 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).
 5. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
 6. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 7. 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).
 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).
 9. 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. War Admiral Drive is a County maintained local street, providing for two way traffic within two driving lanes, having a pavement width of twenty-eight (28) feet. Sidewalks exist on both sides of the roadway. Smarty Jones Court is a County maintained local cul-de-sac street, providing for two way traffic within two driving lanes, having a pavement width of twenty-four (24) feet. Sidewalks exist on both sides of the roadway.

SITE CHARACTERISTICS

- A. The approximate 0.5 acre area is located at the southwest corner of the intersection of War Admiral Drive with Smarty Jones Court.
- B. The site has approximately one hundred eight (108) feet of frontage along War Admiral Drive and approximately one hundred sixty-two (162) feet of frontage along Smarty Jones Court.
- C. Access to the site is provided by one curb cut onto War Admiral Drive.
- D. The site is currently occupied by a detached, two-story, residential structure with an attached three-car garage.
- E. The existing driveway extends approximately eighty-four (84) feet from War Admiral Drive and has a 20' x 40' pad in front of the garage, accommodating six (6) cars.

SURROUNDING LAND USES AND ZONING

- North: Single-family residential dwellings (SR-1)
- South: Single-family residential dwellings (SR-1)
- East: Single-family residential dwellings (SR-1)
- West: Single-family residential dwellings (SR-1)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to provide lash extension services and personal training in the existing house.

STAFF COMMENTS

- A. Home Businesses were added as a Conditional Use to many of the residential zoning districts as part of the 2020 Zoning Update.
- B. On-street parking is allowed on the north side of War Admiral Drive and the west side of Smarty Jones Court.
- C. Should the Board take action to approve the submitted request, Staff is suggesting the following conditions be considered as part of that action:
 - 1. The home business shall only operate between the hours of 8:00 am and 9:00 pm, seven days a week.
 - 2. There shall be no employees, other than those members of the household residing on the premises.
 - 3. The Conditional Use Permit is only for lash extension services and personal training and any other home business activity shall be approved by the Board of


Adjustment.

4. The home business shall meet all of the requirements of Section 3142.A.1 of the zoning regulations.

CONCLUSION

- A. KRS 100.237 and Section 202.C of the Boone County Zoning Regulations give the Boone County Board of Adjustment the authority to act on the Conditional Use Permit request.

Respectfully Submitted,



Michael D. Schwartz
Director, Zoning Services

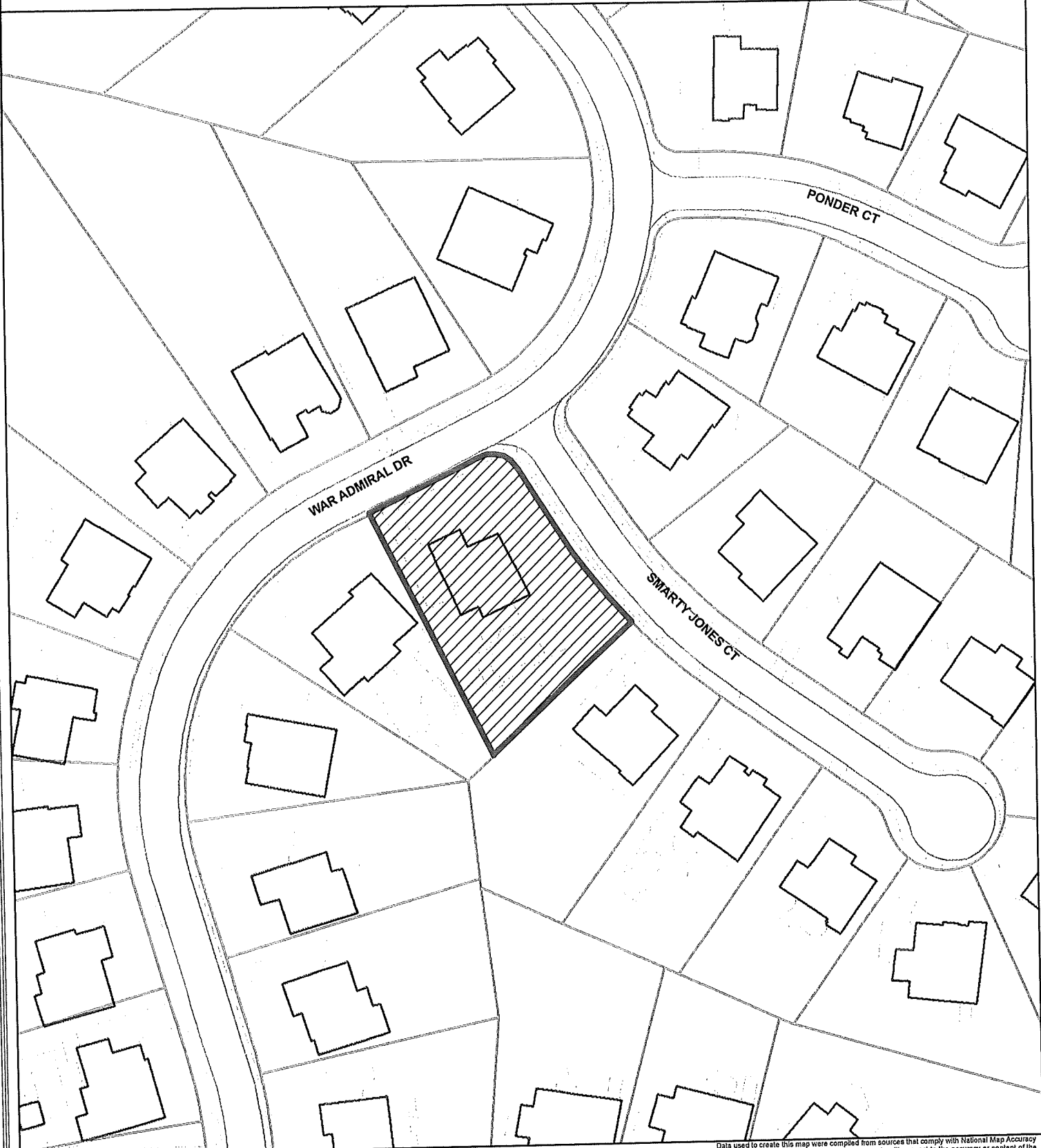
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Attachments

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

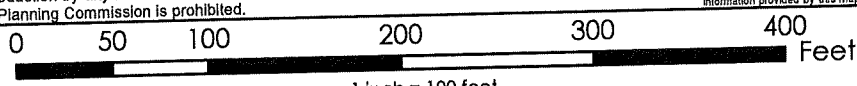
Vicinity Map

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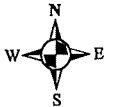
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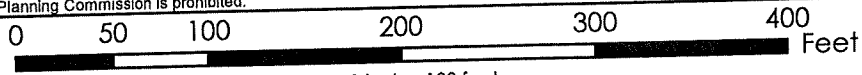
Aerial Map

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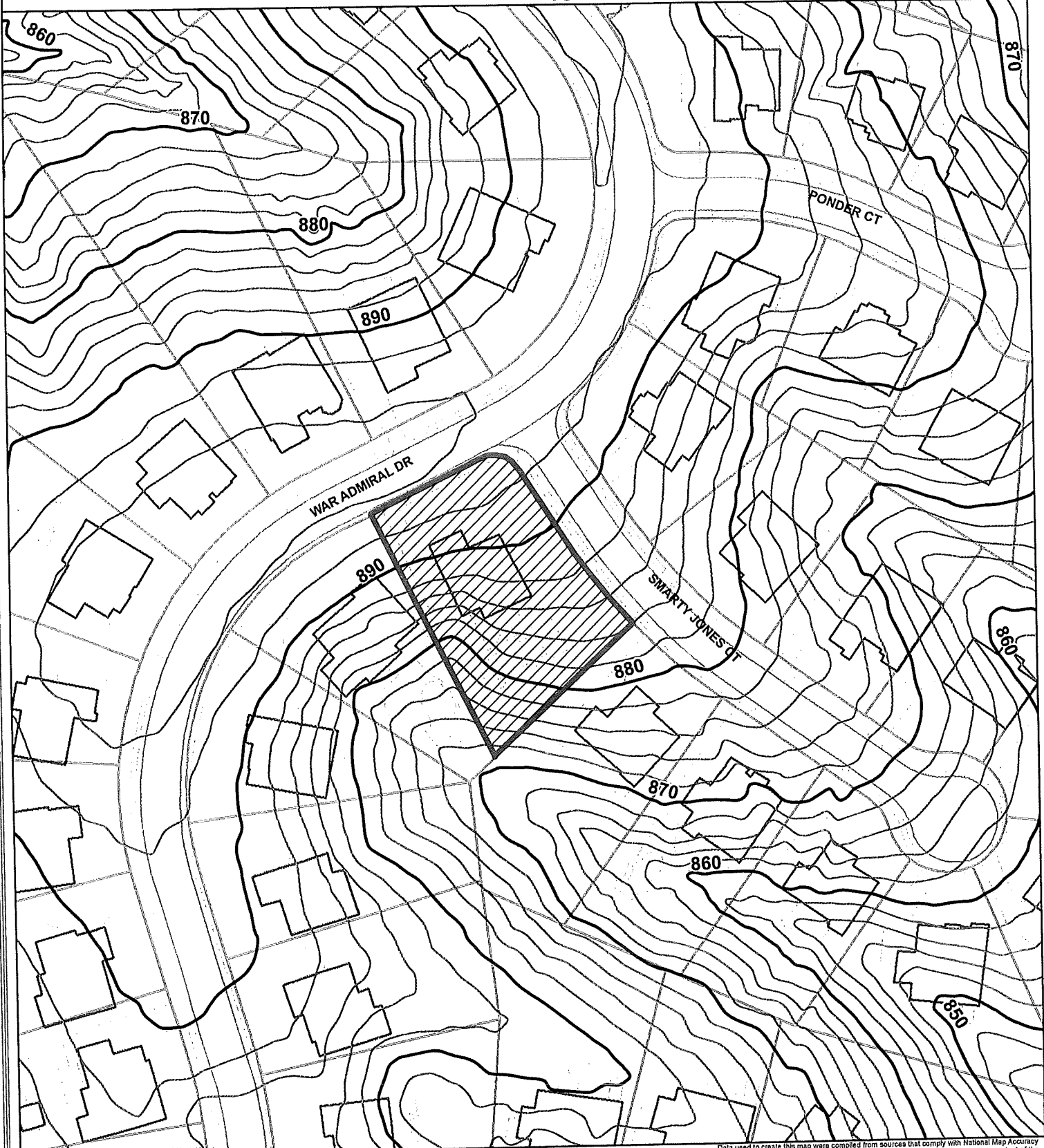
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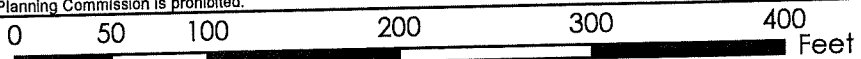
Topographic Map

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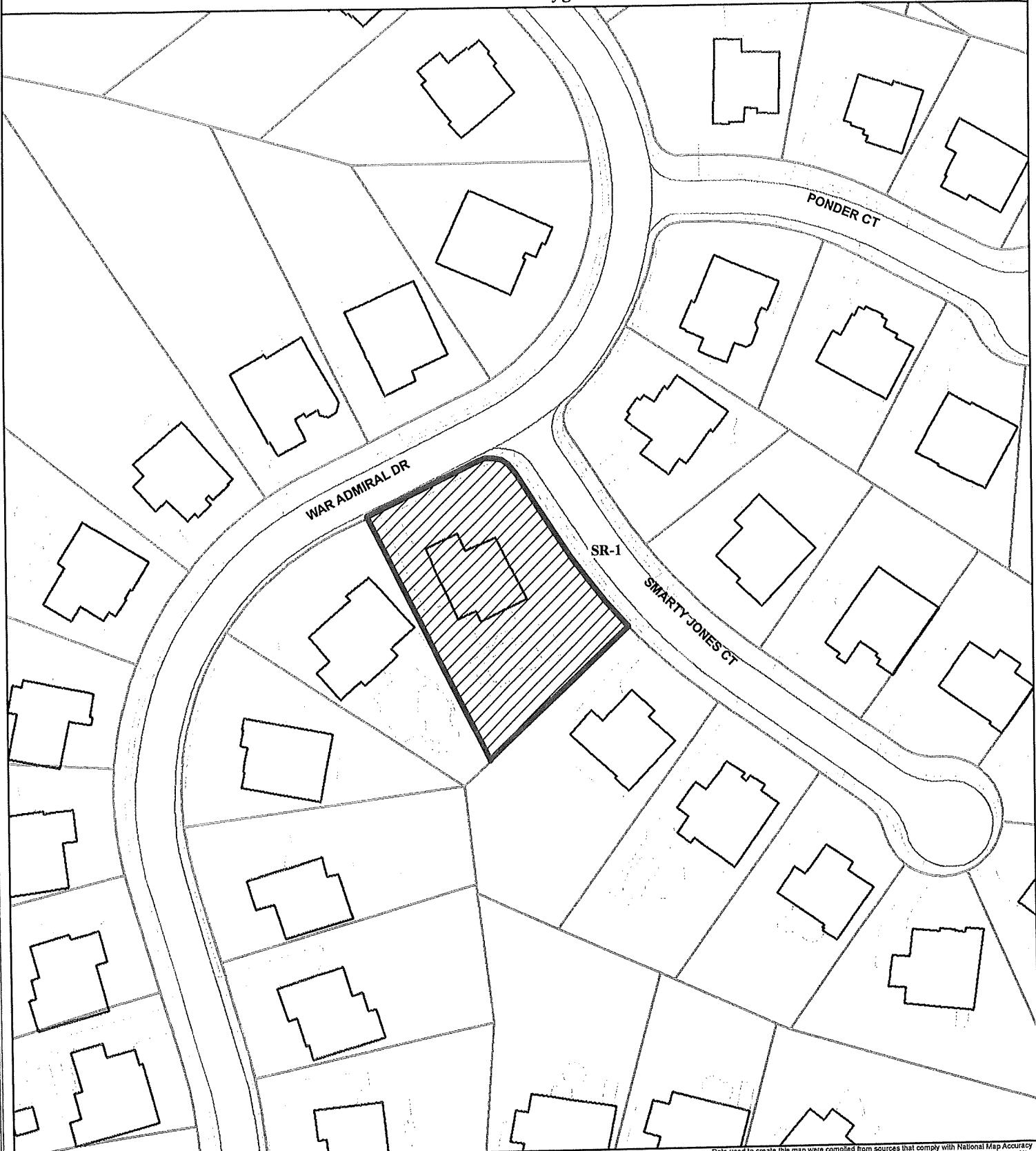
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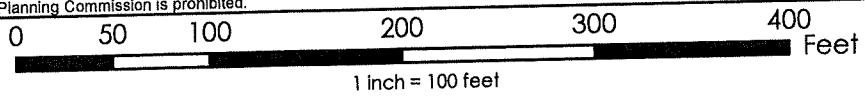
Zoning Map

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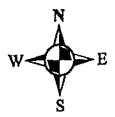


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Boone

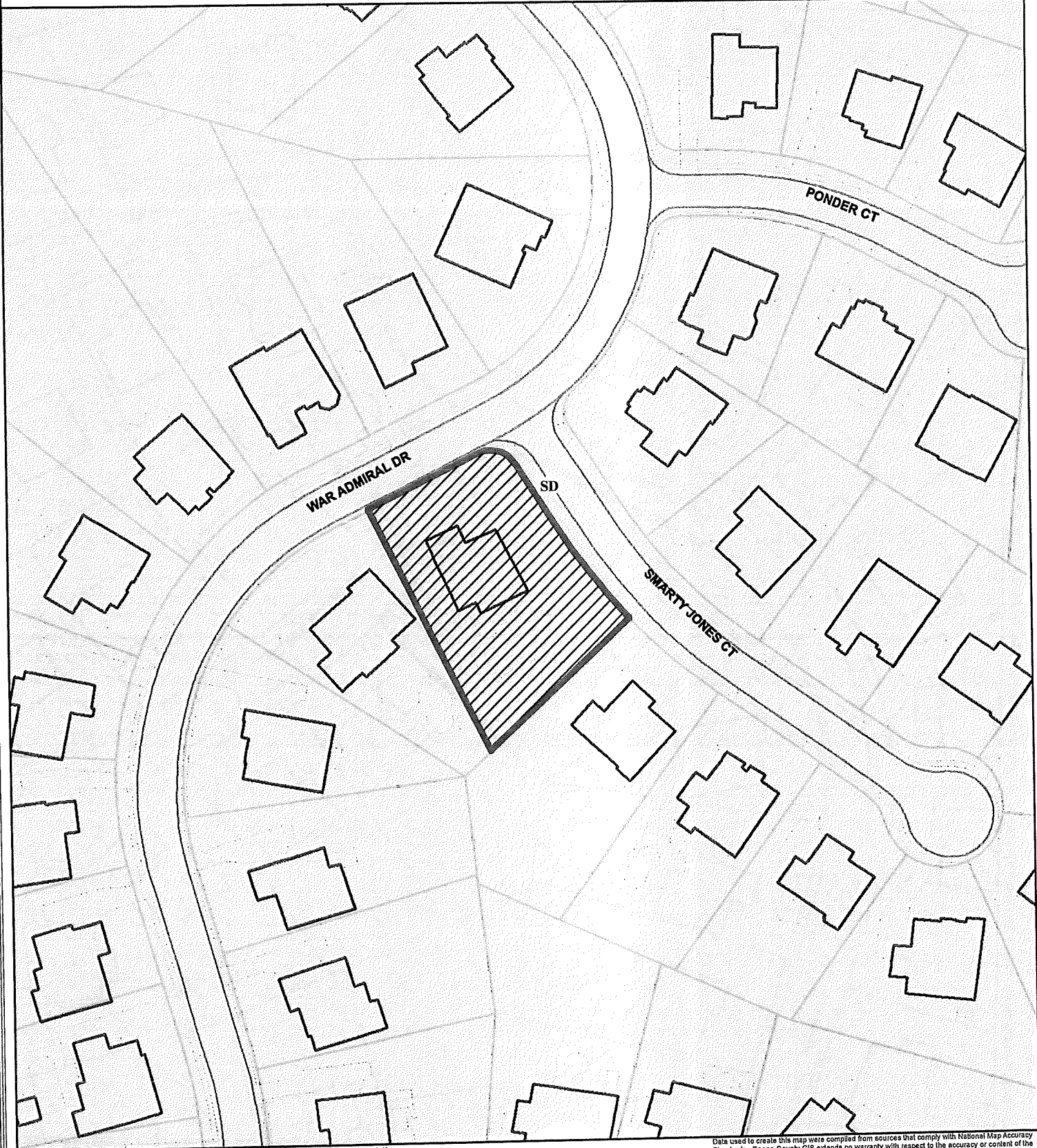


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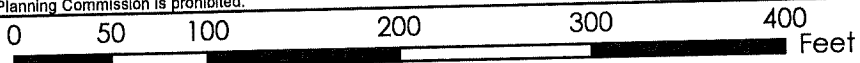
2040 Future Land Use Map

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ArcMap Document: *.mxd

Map Created: x/h/2022

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BOONE COUNTY PLANNING COMMISSION**

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PLANNING COMMISSION

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2. Check One Conditional Use Permit Variance Appeal
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Email: landr1989@gmail.com

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11. Total Square Footage of Existing and/or Proposed Buildings: 5,735
12. Current Zoning: SR-1
13. 1147 924 2064
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: Robert Carl

Applicant's Signature: Savannah Hand

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

1. Date Received: 6/14/24 Fee Received: \$816 Receipt #: 90708

2. Is application complete: ✓

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

_____ Approved with Conditions (see #6)

_____ Denial (See #7)

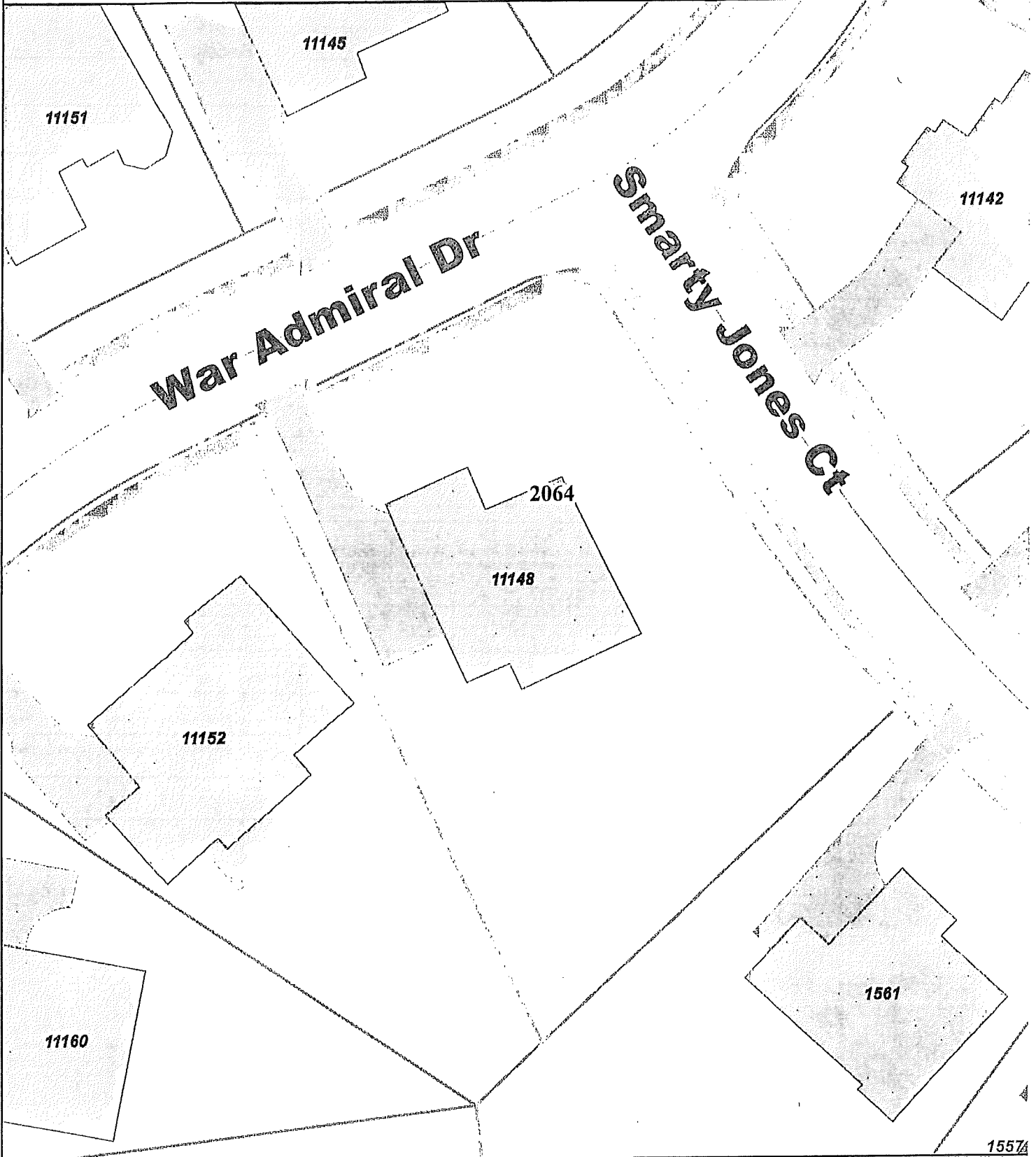
6. Conditions of Approval: _____

7. Reasons for Denial: _____

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Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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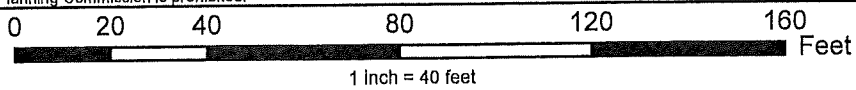
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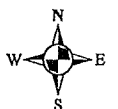
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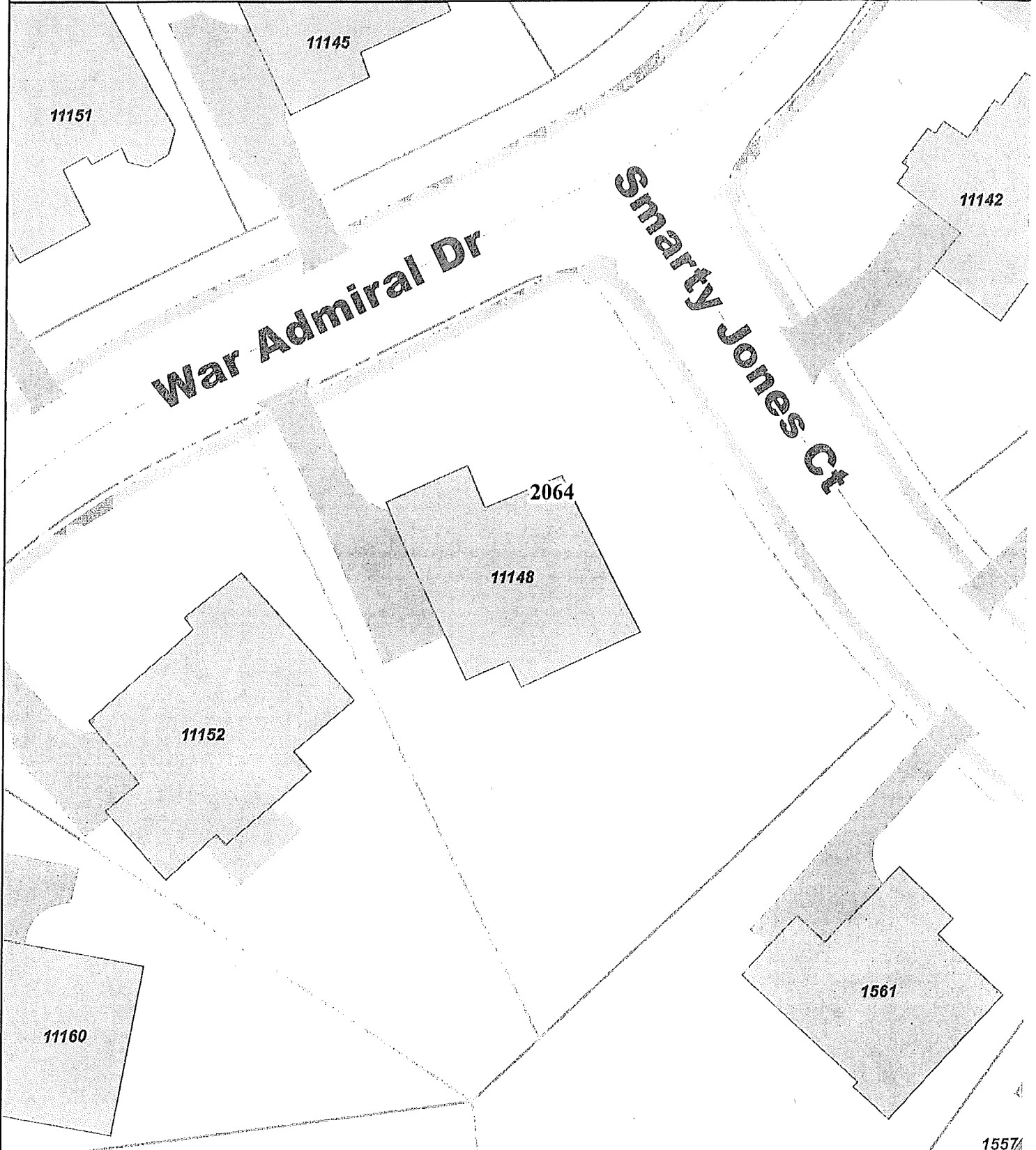
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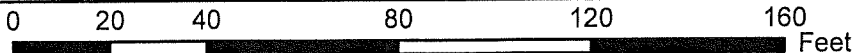
Boone County GIS Map

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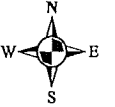


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Map Document: "mxd"

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Robert Land
11148 War Admiral Dr
Union, KY 41091
2. ADDRESS OF PROPERTY
11148 War Admiral Dr
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Savannah Land Home Business
4. DEED BOOK 1147 PAGE NO. 924 GROUP NO. 2064
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: X Conditional Use Permit
 From ___ To ___
- ___ 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



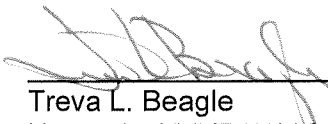
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, AICP, Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the Boone
County Planning Commission this 11th day of July, 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.)

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 July 10, 2024, Certificate of Land Use Restriction (#24-BCBOA-024-A), for Robert Land, Property Owner(s).

The following conditions will apply:

1. The home business shall only operate between the hours of 8:00 am – 9:00 pm, seven days a week.
2. There shall be no employees, other than those members of the household, residing on the premises.
3. The Conditional Use Permit is only for lash extension services and personal training. Any other home business activity shall be approved by the Board of Adjustment.
4. The home business shall meet all of the requirements of Section 3142.A.1 of the zoning regulations.

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

DEED BOOK 1147

PAGE NO. 924

GROUP NO. 2064