



## **BOONE COUNTY PLANNING COMMISSION**

[www.bcpcky.org](http://www.bcpcky.org)  
[www.boonecountygis.com](http://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](mailto:plancom@boonecountyky.org)

February 11, 2025

Max Tanner and Andrea Duran  
2738 Longbranch Road  
Union, Kentucky 41091

RE: Short Term Rental Conditional Use Permit Revocation

Kentucky Revised Statute (KRS) 100.237(4) states that if the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

Section 205.C of the Boone County Zoning Regulations states that the board shall have the power to revoke conditional use permits, or variances for noncompliance with the conditions thereof.

KRS 100.237(1) states that the board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof.

Section 3191.H.2 of the Boone County Zoning Regulations states that it shall be unlawful to operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court.

Boone County Ordinance Number 2021-31, Section 3, states that no person shall hereafter advertise, offer to rent, lease, sublease, or sublicense a residential property within unincorporated areas of Boone County as a Short Term Rental until an application has been properly made and a permit obtained from the county.

Max Tanner and Andrea Duran  
Revocation of Conditional Use Permit  
February 11, 2025  
Page 2

Boone County Ordinance Number 2021-31, Section 3.c, states that the Short Term Rental Permit shall be issued for a period that coincides with the calendar year. The initially issued permit shall expire on December 31 of the year it was issued. The Permit may be renewed for successive calendar year periods so long as the applicant continues to qualify for issuance of the Permit. Applications for subsequent STR permits may be filed sixty (60) days prior to December 31 of the current permit year.

For the property located at 2738 Longbranch Road, the initial County Permit was issued in 2022.

We have been informed that you have not renewed your County license.

Pursuant to KRS 100.237(1) and Section 205.C of the Boone County Zoning Regulations, if the County license is not renewed by March 7, 2025, we will ask that the Board of Adjustment proceed with the process for revoking your Conditional use Permit.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MDS', with a large, sweeping flourish extending to the right.

Michael D. Schwartz  
Director, Zoning Services  
Zoning Administrator

MDS/ss



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February 12, 2025

George Whitton, Chairman  
Boone County Board of Adjustment  
Boone County Planning Commission  
2950 Washington Street, Room 317  
PO Box 958  
Burlington, Kentucky 41005

RE: Short Term Rental Conditional Use Permit Revocation

Dear Chairman Whitton:

Kentucky Revised Statute (KRS) 100.237(4) states that if the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

Section 205.C of the Boone County Zoning Regulations states that the board shall have the power to revoke conditional use permits, or variances for noncompliance with the conditions thereof.

KRS 100.237(1) states that the board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof.

Section 3191.H.2 of the Boone County Zoning Regulations states that it shall be unlawful to operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court.

Boone County Ordinance Number 2021-31, Section 3, states that no person shall hereafter

advertise, offer to rent, lease, sublease, or sublicense a residential property within unincorporated areas of Boone County as a Short Term Rental until an application has been properly made and a permit obtained from the county.

Boone County Ordinance Number 2021-31, Section 3.c, states that the Short Term Rental Permit shall be issued for a period that coincides with the calendar year. The initially issued permit shall expire on December 31 of the year it was issued. The Permit may be renewed for successive calendar year periods so long as the applicant continues to qualify for issuance of the Permit. Applications for subsequent STR permits may be filed sixty (60) days prior to December 31 of the current permit year.

For the properties located at 2738 Longbranch Road and 3423 Peel Road, the initial County Permits were issued in 2022.

On February 10, 2025, Shona Schulkers, Executive Assistant, Boone County Fiscal Court, sent an email to me stating that the property owners have not renewed their County Short Term Rental permit.

Pursuant to KRS 100.237(1) and Section 205.C of the Boone County Zoning Regulations, I respectfully ask the Boone Board of Adjustment to schedule a public hearing for the purpose of revoking the Conditional Use Permit issued for the properties located at located at 2738 Longbranch Road and 3423 Peel Road.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MDS', with a large, sweeping flourish extending to the right.

Michael D. Schwartz  
Director, Zoning Services  
Zoning Administrator

MDS/ss

Cc: Boone Board of Adjustment Members

## STAFF REPORT

#4

APPLICANT: Boone County Board of Adjustment, per Chairman George Whitton

LOCATION: 2738 Longbranch Road, Boone County, Kentucky

DATE: April 9, 2025

### PROPOSAL

- A. The applicant is requesting to revoke the Conditional Use Permit for the short term rental at the property located at 2738 Longbranch Road, Boone County, Kentucky.

### SITE HISTORY

2022 On September 14, 2022, the Boone Board of Adjustment approved a Conditional Use Permit to allow the house at 2738 Longbranch Road to be used as a short term rental (BCBOA-22-027).

### APPLICABLE REGULATIONS

- A. Section 205.C of the Boone County Zoning Regulations states that the board shall have the power to revoke conditional use permits, or variances for noncompliance with the conditions thereof.
- B. KRS 100.237(1) states that the board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof.
- C. Section 3191.H.2 of the Boone County Zoning Regulations states that it shall be unlawful to operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court.
- D. Boone County Ordinance Number 2021-31, Section 3, states that no person shall hereafter advertise, offer to rent, lease, sublease, or sublicense a residential property within unincorporated areas of Boone County as a Short Term Rental until an application has been properly made and a permit obtained from the county.
- E. Boone County Ordinance Number 2021-31, Section 3.c, states that the Short Term Rental Permit shall be issued for a period that coincides with the calendar year. The initially issued permit shall expire on December 31 of the year it was issued. The Permit may be renewed for successive calendar year periods so long as the applicant continues to qualify for issuance of the Permit. Applications for subsequent STR permits may be filed sixty (60) days prior to December 31 of the current permit year.

### STAFF COMMENTS

- A. For the property located at 2738 Longbranch Road, the initial County Permit was issued in 2022.
- B. Based on information from the County, to date, the owner(s) of the property located at

2738 Longbranch Road have not renewed their County permit.

CONCLUSION

- A. KRS 100.237(1) and Section 205.C of the Boone County Zoning Regulations give the Boone County Board of Adjustment the authority to revoke these Conditional Use Permits

Respectfully Submitted,

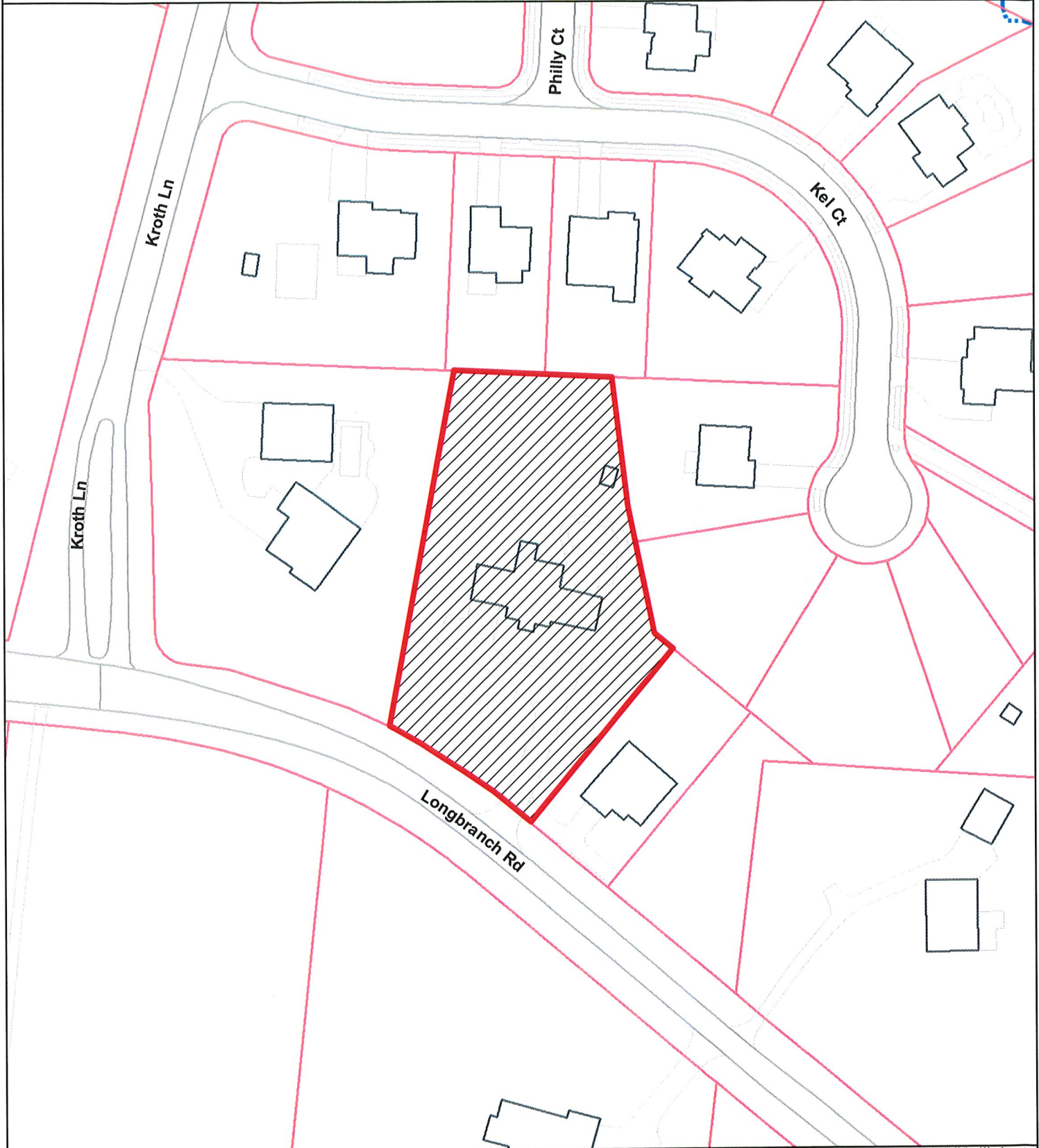


Michael D. Schwartz  
Director, Zoning Services

MDS/ss

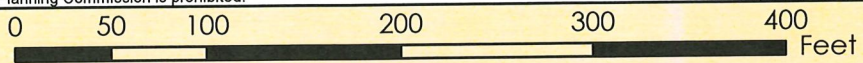
# Boone County GIS Map

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



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 100 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: xxjxx/2022

GIS File Path: \\boone\gis\maps\2022\1111  
ArcMap Document: \*.mxd

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Max Tanner & Andrea Duran  
2738 Longbranch Rd  
Union, KY 41091
  
2. ADDRESS OF PROPERTY  
2738 Longbranch Rd  
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Tanner/Duran
  
4. DEED BOOK 1230                      PAGE NO. 277                      GROUP NO. 2038A
  
5. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment:  
    From \_\_\_\_\_ To \_\_\_\_\_                       Conditional Use Permit (Revocation)  
 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 10<sup>th</sup> day of April, 2025.

---

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.)