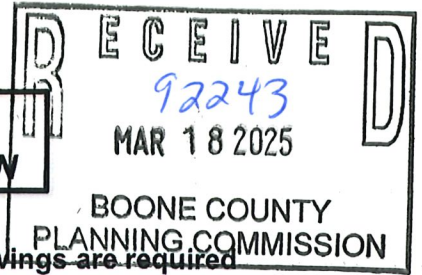


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



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

010

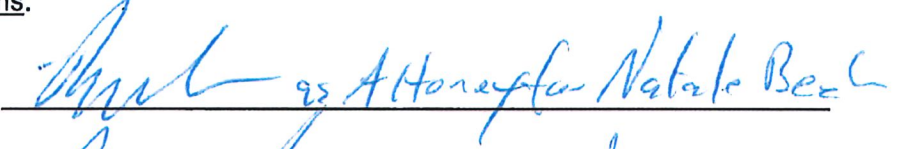
An application consists of all fees paid in full, submitted drawings, and a completed application form

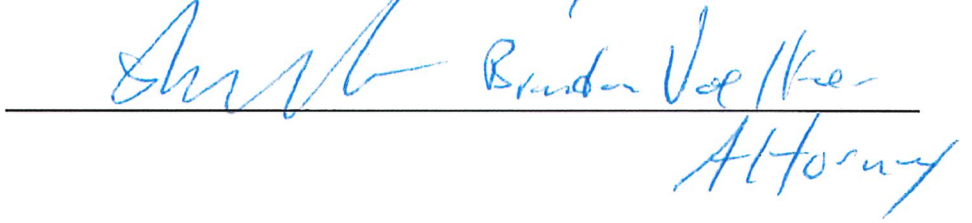
SECTION A: (To be completed by applicant)

1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant: Natalie Beach, through her attorney, Brandon N. Voelker
Address: 50 East Rivercenter, Suite 1275
Covington KY 41011
City State Zip Code
Phone Number: 859 781 9100 Fax Number: n/a
Email: bvoelker@gatlinvoelker.com
4. Description of Request: Conditional use permit, to operate in an existing detached accessory structure
5. Name of Development: 7300 E. Bend Road, Burlington, Kentucky
6. Location of Development: 7300 E. Bend Road
Burlington KY 41005
City State Zip Code
7. Acreage Under Review: 1 acre
8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: Natalie Beach
Address: 7300 East Bend Road
Burlington KY 41005
City State Zip Code
Phone Number: 859 547 7591 Fax Number: n/a
Email: nataliefryman@icloud.com

10. Proposed Use(s) on Site: small photography study, as an accessory use
11. Total Square Footage of Existing and/or Proposed Buildings: 480 square feet
12. Current Zoning: A-2
13. MC1316 81 2036
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:  Natalie Beck

Applicant's Signature:  Brandon Vag
Attorney

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

1. Date Received: 3/18/25 Fee Received: \$766 Receipt #: 92243

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 4/9/2025

5. Board Action: 4/9/2025

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

6. Conditions of Approval: See attached, Minutes, & CUR

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

CONDITIONS OF APPROVAL

APPLICANT: Natalie Beach

LOCATION: 7300 East Bend Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: February 12, 2025

1. Signage shall be installed indicating the limits of the appropriate parking area and indicating that there shall be no parking in the easement. Chairman Whitton seconded the motion.

SUPPORTING BASIS FOR REQUEST

Natalie Beach is the owner of 7300 E. Bend Road, Burlington, Kentucky 41005, who has an existing detached building of approximately 480 square feet that she desires to operate a small photography studio out of.

The Boone County Zoning Ordinance allows a home business to operate in residential zoning districts as a conditional use. KRS 100.237 grants the Board of Adjustment the authority to issue conditional use permits. Boone County Zoning Ordinance Section 205.H, sets forth the applicable criteria for consideration of a conditional use permit. The applicable standards are as follows:

- 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. **Response: the prior action by the County, to allow for home businesses, is consistent and illustrative that the proposed conditional use is encouraged and in agreement with the general objectives of the zoning ordinance.**
- 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. **Response: The current nature of the property is rural in nature, with a residential home, pole barn and detached garage. The proposed conditional use of the garage as a photo studio does not disturb the longstanding character, nature and appearance of the property.**
- c. Will be hazardous to existing or future neighboring uses. **Response: The photo studio has limited traffic and provides no impact to neighboring uses.**
- d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refusal 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. **Response: The photo studio has a limited impact of traffic, persons operating agriculture based businesses in the area have significantly more impact.**
- 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. **Response: There is not public cost, nor is it 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 of odors. **Response: None, there is limited consumers utilizing the small photo studio.**
- 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. **Response: None, no**

commercial traffic will occur, would be simply limited persons arriving by personal vehicle.

STAFF REPORT

#9

APPLICANT: Brandon N. Voelker for Natalie Beach

LOCATION: 7300 East Bend Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: April 9, 2025

PROPOSAL

- A. The Conditional Use Permit is to allow a Home Business (photography studio) to be conducted in an existing detached accessory structure.

SITE HISTORY

- Pre 1949 Based on information contained in the Boone County GIS, the existing house was built.
- 1969-1974 Based on information contained in the Boone County GIS, the existing garage was built.
- 1976 On May 5, 1976, the Boone County Planning Commission approved a Conveyance Plat, creating the lot in question.
- 2021 On September 28, 2021, the Boone County Planning Commission approved a zoning permit for a pole barn.
- 2025 On February 12, 2025, by a vote of 3 to 2, the Boone Board of Adjustment denied a Conditional Use Permit to allow a Home Business (photography studio) to be conducted in an existing detached accessory structure on the site in question (BCBOA-25-DE-1).

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 602.A 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 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 “Rural Density Residential” uses which is described as low density residential uses of up to one dwelling unit per acre.
- B. East Bend Road is a state maintained arterial street, providing for two way traffic within two driving lanes, having a pavement width of approximately eighteen (18) feet. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 0.5 acre area is located along the southeast side of East Bend Road, approximately 1,100 feet northeast of Green Road.
- B. The site has approximately one hundred ninety (190) feet of frontage along East Bend Road.
- C. Access to the site is provided by one curb cut onto East Bend Road.
- D. The site is currently occupied by a detached, single-family residential structure, a detached garage, and a pole barn.
- E. A twenty (20) foot wide easement extends along the northeast property line, providing access to the adjacent property to the southeast of the site in question.
- F. The existing driveway extends approximately one hundred eighty (180) feet from East Bend Road and has a 20' x 45' pad in front of the garage, accommodating four (4) cars. Additionally, there is a separate sixty (60) foot long driveway lane that can accommodate an additional three (3) cars.

SURROUNDING LAND USES AND ZONING

- North: Single-family residential dwellings (SR-1)
Northeast: Single-family residential dwellings and agricultural land (A-2)

Southeast: Single-family residential dwellings and agricultural land (A-2)
Southwest: Single-family residential dwellings and agricultural land (A-2)
Northwest: Single-family residential dwellings and agricultural land (A-2)

PROPOSED DEVELOPMENT

A. The applicant is proposing to use the existing detached garage as a photo studio.

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. A twenty (20) foot wide easement extends along the northeast property line, providing access to the adjacent property to the southeast of the site in question. To allow for uninterrupted access to the adjacent property, parking should be prohibited within the limits of the easement.
- 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. Parking shall be prohibited within the limits of the existing (20) foot wide easement.
 4. The home business shall meet all of the requirements of Section 3142.A.1 of the zoning regulations.
- D. The following emails have been received:
1. Graham and Karen Paxton – We received the notice of a request by our neighbor, Natalie Beach, for a Conditional Use Permit. We will be out of town and unable to attend the hearing on February 12, 2025. We have no objections to Natalie receiving a Conditional Use Permit. She and her husband, Mark, are excellent neighbors. They are kind, industrious and have always been willing to help us when needed. We wish them success in starting up their photography studio.

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

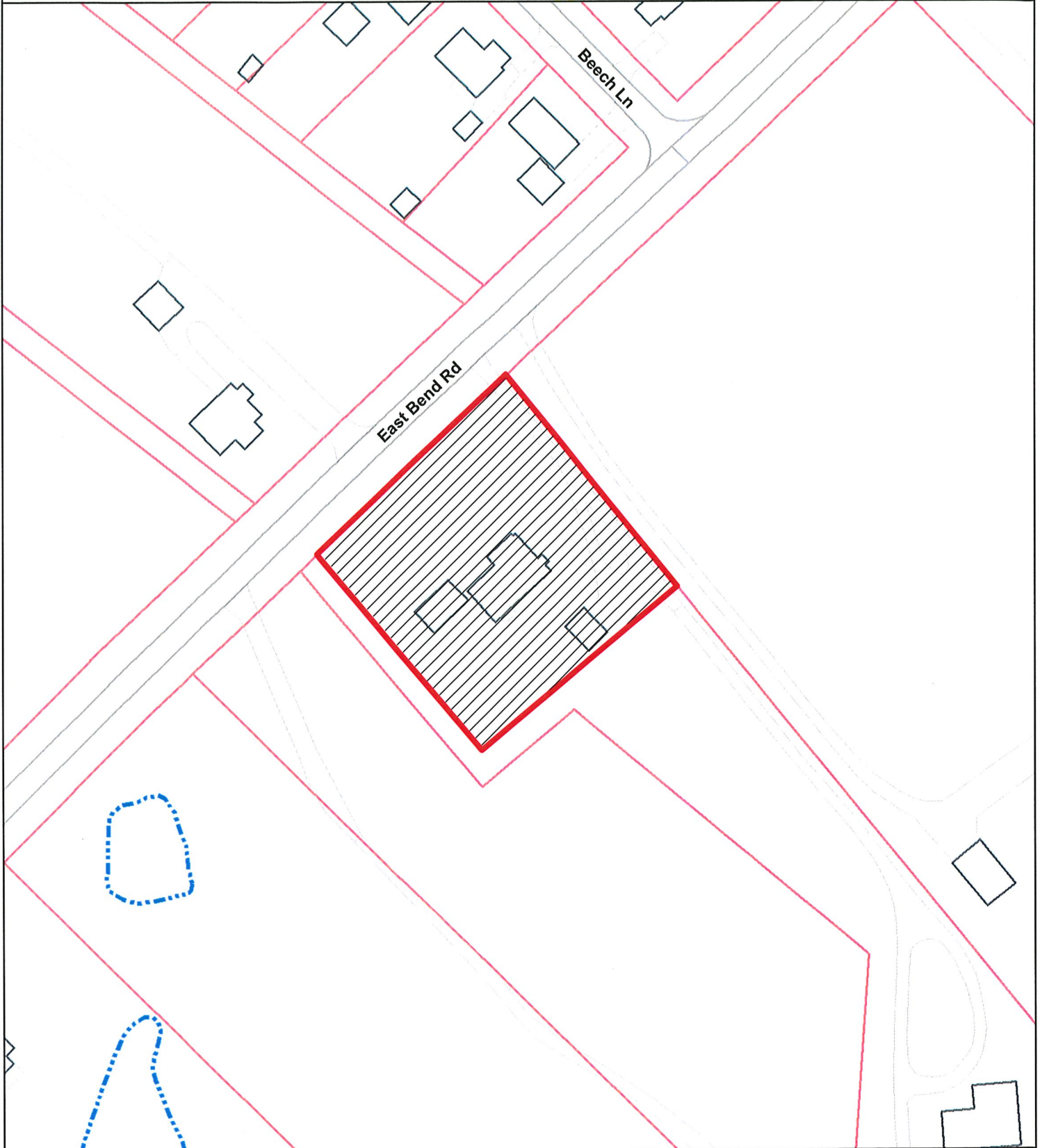
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographic Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Supporting Basis For Request
- *Concept Development Plan

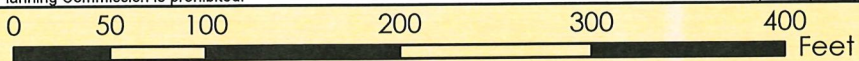
Vicinity Map

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1 inch = 100 feet



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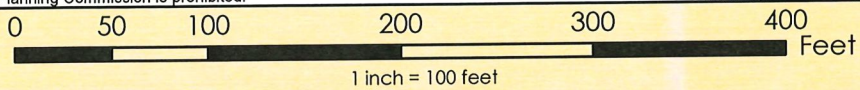
Aerial Map

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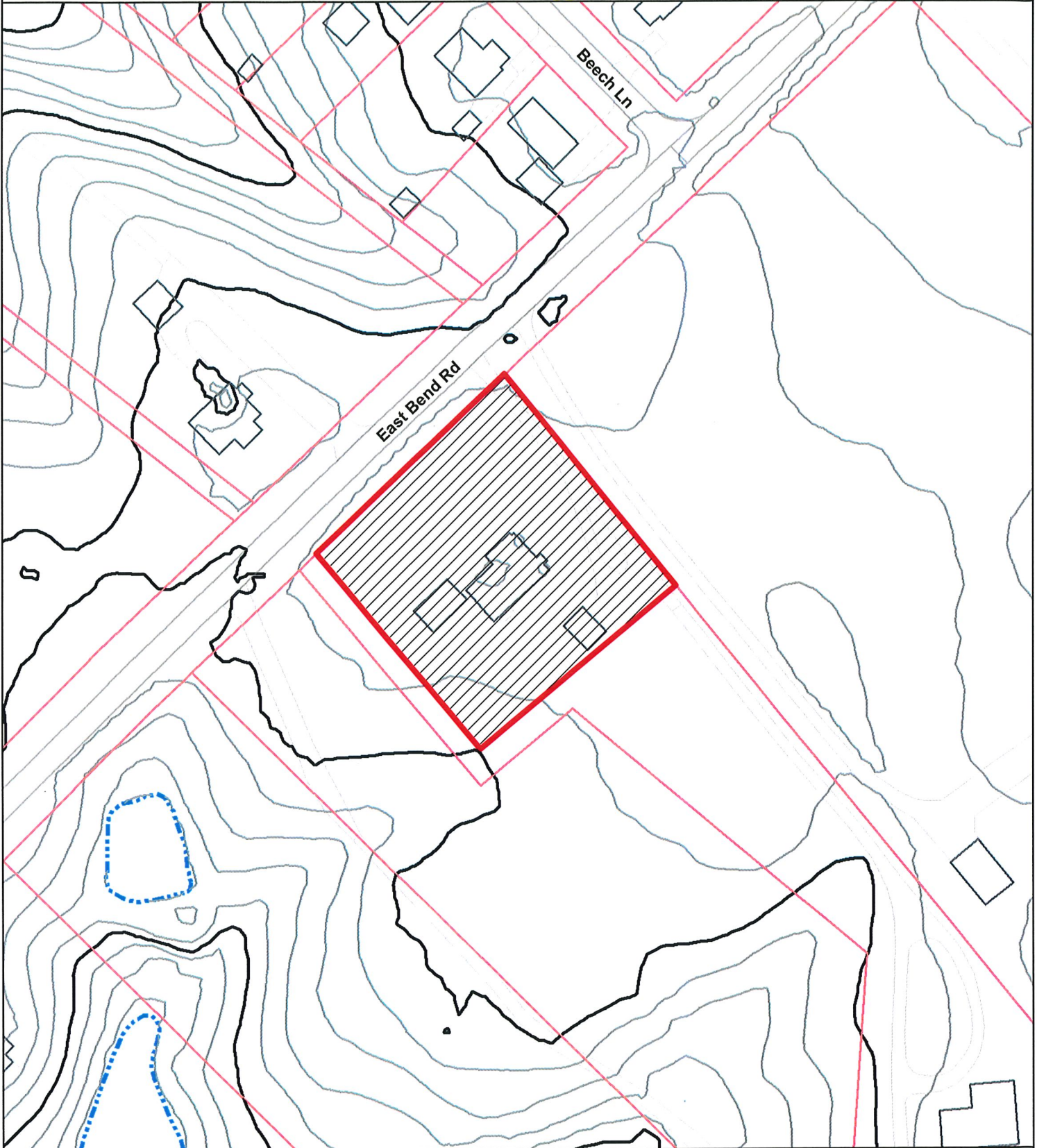


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Boone County GIS
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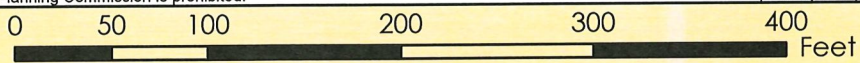
Topographic Map

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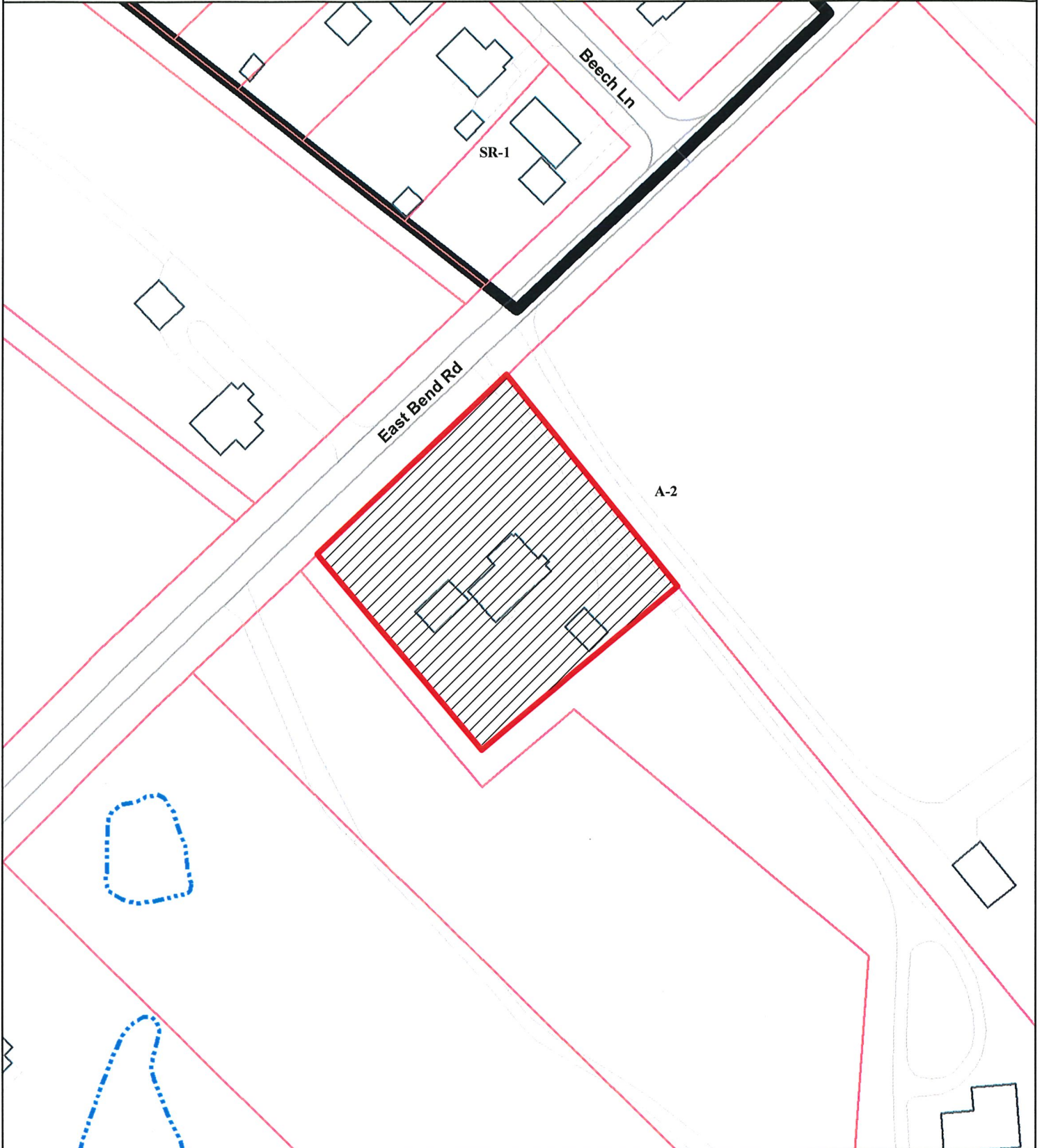


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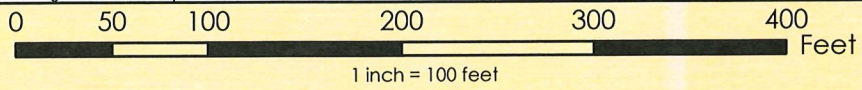
Zoning Map

www.boonecountygis.com



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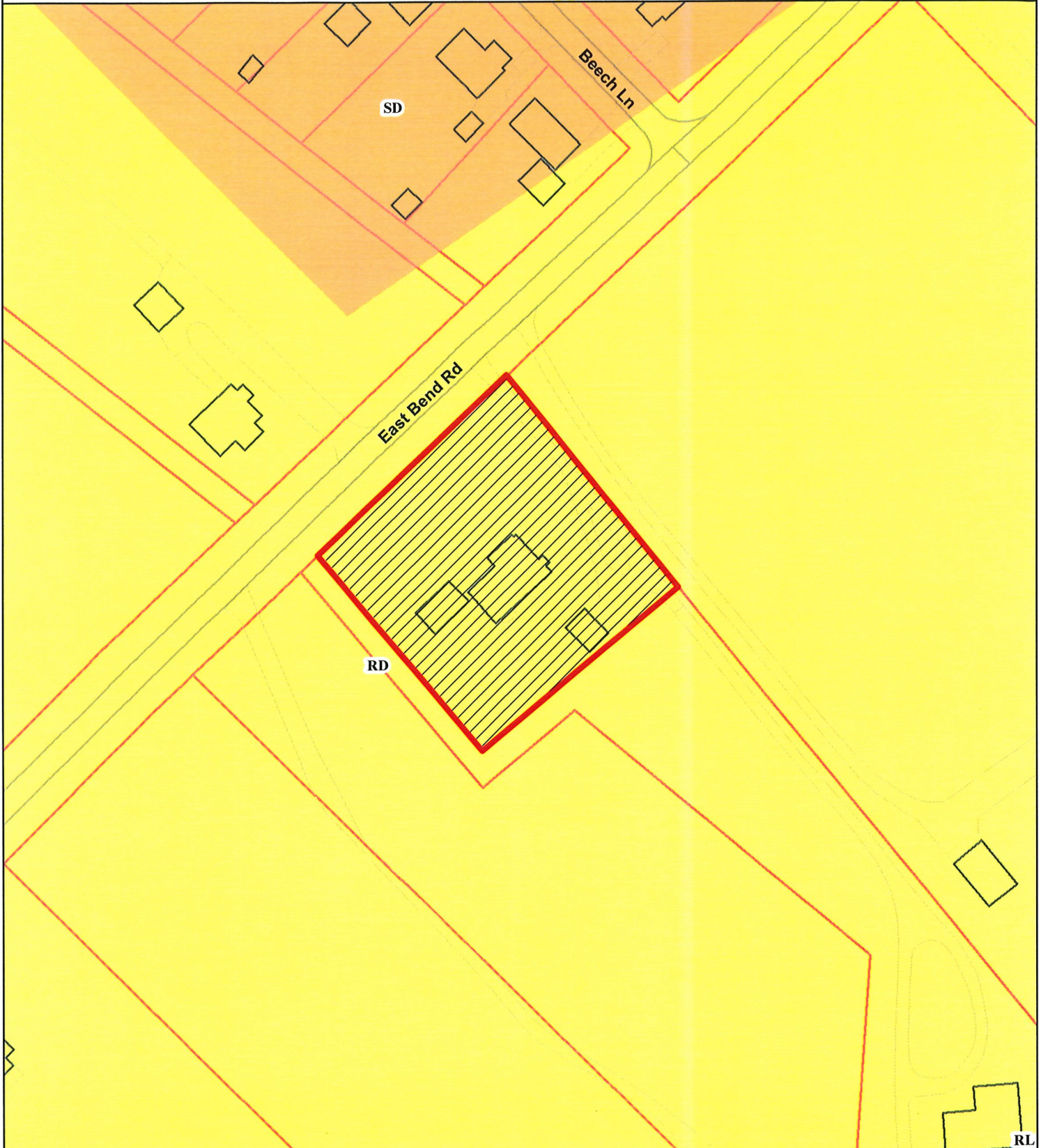


Boone



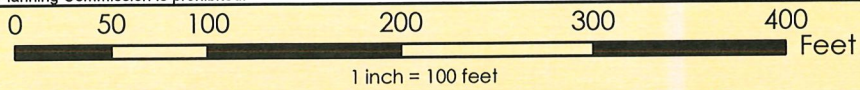
2040 Future land Use Map

www.boonecountygis.com



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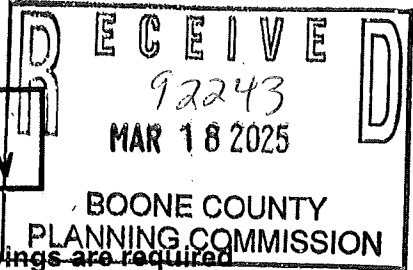
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Boone County GIS - Putting Northern Kentucky on the Map



**BOARD OF ADJUSTMENT
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: Natalie Beach, through her attorney, Brandon N. Voelker

Address: 50 East Rivercenter, Suite 1275

Covington KY 41011
City State Zip Code

Phone Number: 859 781 9100 Fax Number: n/a

Email: bvoelker@gatlinvoelker.com

4. Description of Request: Conditional use permit, to operate in an existing detached accessory structure

5. Name of Development: 7300 E. Bend Road, Burlington, Kentucky

6. Location of Development: 7300 E. Bend Road

Burlington KY 41005
City State Zip Code

7. Acreage Under Review: 1 acre

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

9. Current Owner: Natalie Beach

Address: 7300 East Bend Road

Burlington KY 41005
City State Zip Code

Phone Number: 859 547 7591 Fax Number: n/a

Email: nataliefryman@icloud.com

10. Proposed Use(s) on Site: small photography study, as an accessory use

11. Total Square Footage of Existing and/or Proposed Buildings: 480 square feet

12. Current Zoning: A-2

13. MC1316 81 2036
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:

[Signature] as Attorney for Natalie Beck

Applicant's Signature:

[Signature] Brandon Vof Hee
Attorney

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

1. Date Received: 3/18/25 Fee Received: \$766 Receipt #: 92243

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
plancom@boonecountyky.org
www.boonecountyky.org

SUPPORTING BASIS FOR REQUEST

Natalie Beach is the owner of 7300 E. Bend Road, Burlington, Kentucky 41005, who has an existing detached building of approximately 480 square feet that she desires to operate a small photography studio out of.

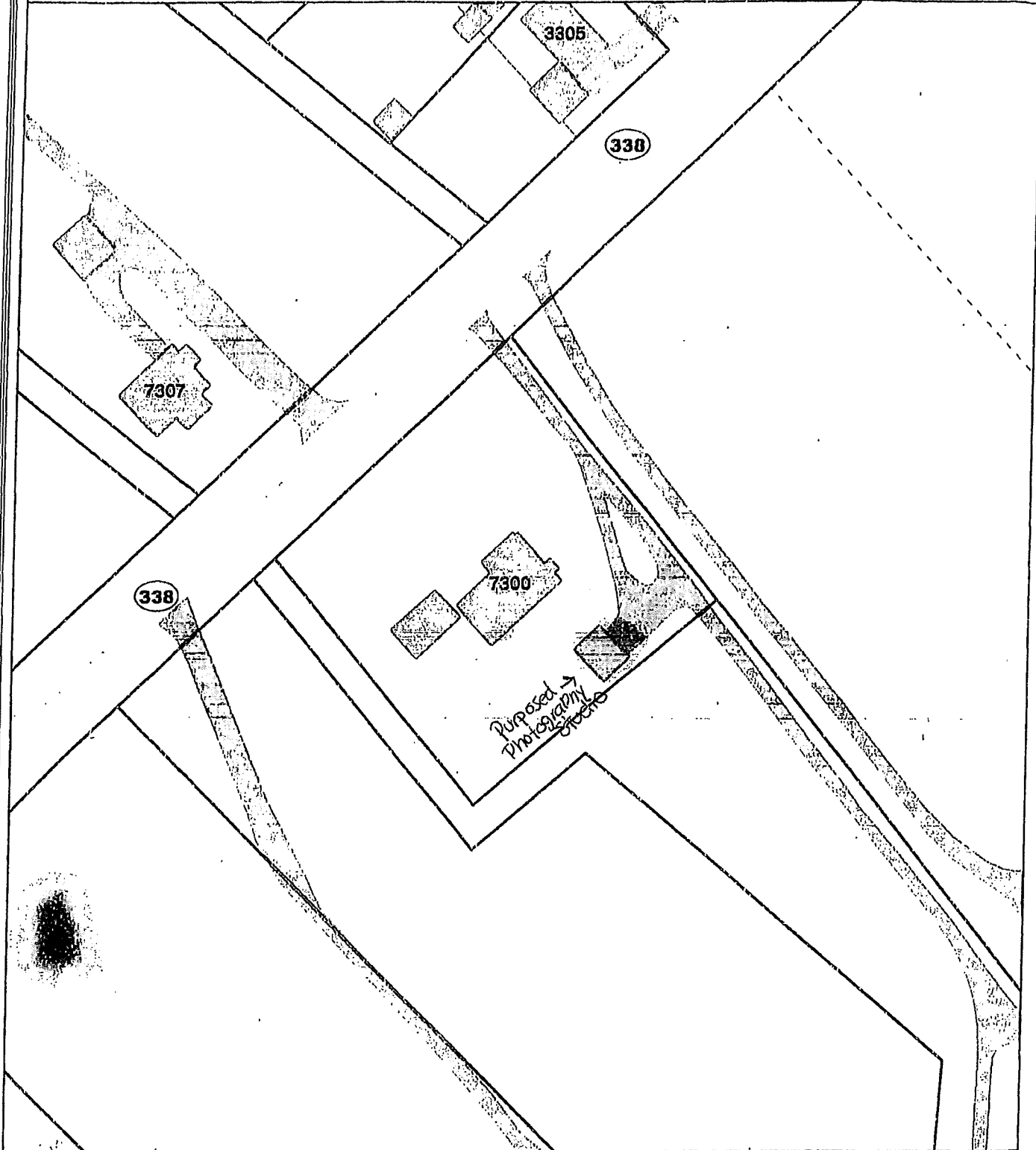
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- b. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area. **Response: The current nature of the property is rural in nature, with a residential home, pole barn and detached garage. The proposed conditional use of the garage as a photo studio does not disturb the longstanding character, nature and appearance of the property.**
- c. Will be hazardous to existing or future neighboring uses. **Response: The photo studio has limited traffic and provides no impact to neighboring uses.**
- d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refusal 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. **Response: The photo studio has a limited impact of traffic, persons operating agriculture based businesses in the area have significantly more impact.**
- 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. **Response: There is not public cost, nor is it 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 of odors. **Response: None, there is limited consumers utilizing the small photo studio.**
- 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. **Response: None, no**

commercial traffic will occur, would be simply limited persons arriving by personal vehicle.

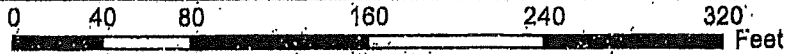
Boone County GIS Map

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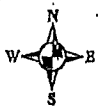
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1 Inch = 80 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 12/15/2024

Map Data Sources: GIS, Aerial, Street View

Michael Schwartz

From: Suesz Joe <sueszjoe@gmail.com>
Sent: Tuesday, April 8, 2025 1:17 PM
To: Michael Schwartz

EXTERNAL MESSAGE

my comment is why is it gotten to this point Boone county should've had to issue a permit for the structural redoing of this barn in electrical services. None of that was even attempted to be done. How is it safe for a business in our area? Being a commercial business. If I'm not mistaken, you are required to have restroom facilities. This does not have restroom facilities either. Thank you for your time. Joe Suesz 7261 East Bend

Michael Schwartz

From: RED DAWNxx <red_dawnxx@hotmail.com>
Sent: Tuesday, April 8, 2025 3:04 PM
To: Michael Schwartz
Subject: Hearing for 7300 east bend rd

EXTERNAL MESSAGE

This email is in reference to the board hearing on 4/9/25 regarding permissible use of the property at 7300 East bend road

Good evening, board members.....

I would appreciate if all personally identifiable information regarding myself were redacted from this statement. Threats have been made, and I do not wish to put myself in harms way due to disclosure of what Ive heard and seen. Individuals have gathered in an attempt to defame a property owner who is following through with a legal process in an effort to protect their legal access and rights regarding their property. I have seen several occasions where the driveway at 7300 East bend leading to 7296 has been blocked by parked vehicles. In an emergency, this effectively blocks or delays the ability to reach the residence at 7296 East bend road. I attended the previous hearing regarding this matter. Upon exiting the hearing, I overheard the father who spoke on behalf of his daughter's application state "they don't know who they're fucking with, but they're going to find out". I took this as a direct and unacceptable threat to neighboring residents who are in opposition to their application for commercial use of their property. I have personally taken this threat seriously, and have procured additional security measures for my own property and peace of mind. I have also noted continued studio sessions occurring at the property since the last hearing, in direct defiance of the decision by the board. The applicants continue to attempt to bully anyone who disagrees with their desired use of the property, and flagrantly disregard the legal processes and accomodation with neighbors that would allow for their desired use. I strongly oppose their request being granted.

Michael Schwartz

From: cjbake@twc.com
Sent: Tuesday, April 8, 2025 4:00 PM
To: Michael Schwartz
Subject: FW: Reference Hearing regarding Commercial Business request at 7300 East Bend Road on 4/09/25

EXTERNAL MESSAGE

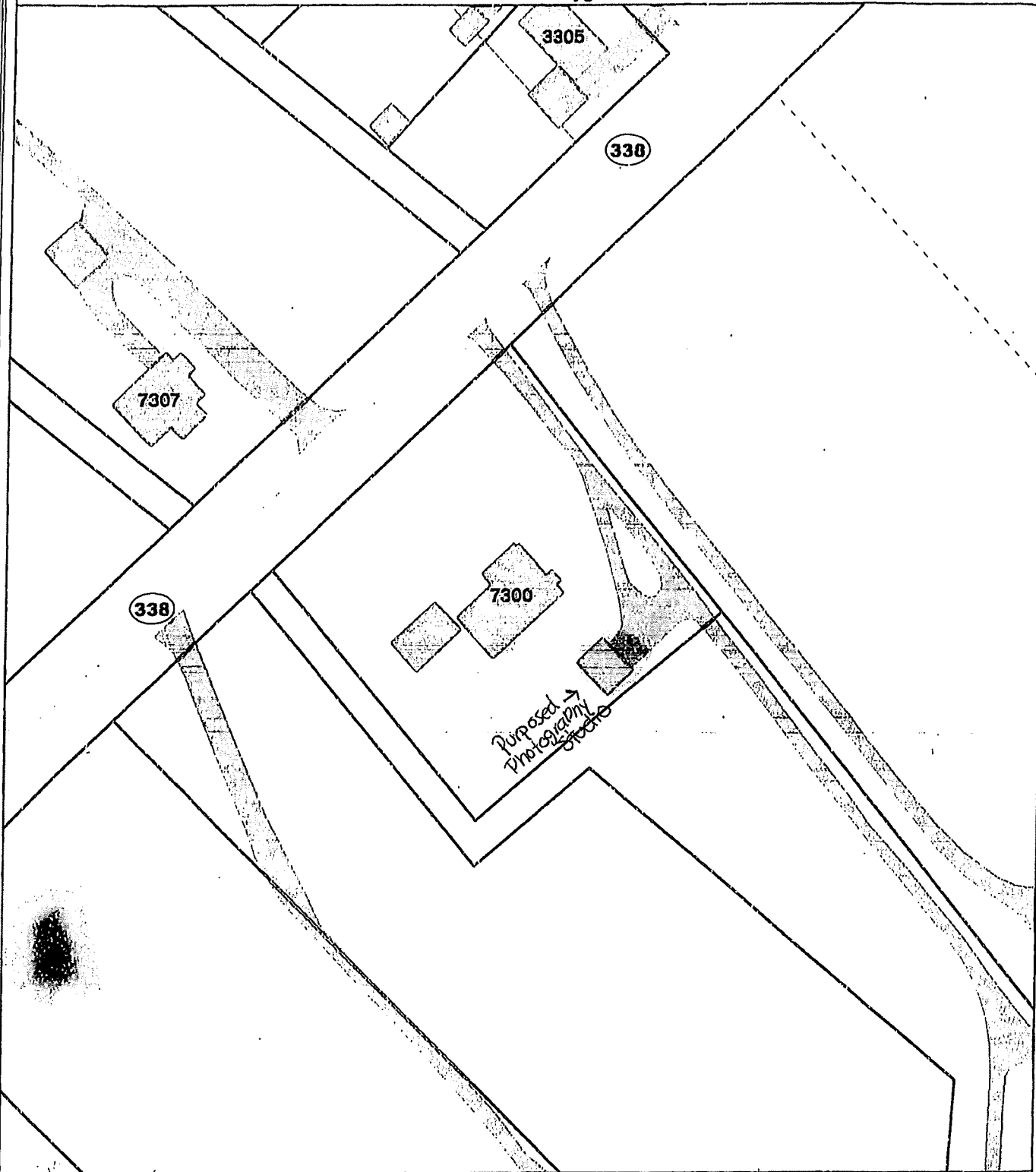
I would like to express my opposition to allowing a commercial business that attracts customers to the private residence at 7300 East Bend Road.

As a resident who lives on East Bend Rd, I am well aware of the vehicle traffic that travels on East Bend Road. The entrance to the driveway at 7300 East Bend Rd is very narrow, and is within a passing lane on a straightaway where people sometimes speed excessively. If there is a conflict with traffic trying to enter and exit the entrance simultaneously, this could create a hazardous situation on the primary roadway. There are also tall trees or shrubs growing very close to the roadway at the entrance of this driveway that blocks a clear view of the roadway, making it very hard to see when turning left off East Bend into the driveway or exiting the driveway when making a right turn onto East Bend Rd.

Sincerely,
Kim Baker
6770 East Bend Rd, Burlington, KY 41005

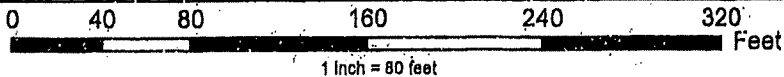
Boone County GIS Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map


Map Created: xx/xx/2024

ArchMap Document: GMLT_0201_01.mxd

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Natalie Divine Fryman & Mark Thomas Beach, Jr.
7300 East Bend Rd
Burlington, KY 41005
2. ADDRESS OF PROPERTY
7300 East Bend Rd
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Natalie Beach Home Business
4. DEED BOOK MC1316 PAGE NO. 81 GROUP NO. 2036
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

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 10th 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

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 April 9, 2025, Certificate of Land Use Restriction (#25-BCBOA-010-A), for Natalie Divine Fryman & Mark Thomas Beach, Jr., Property Owner(s).

The following conditions will apply:

1. Signage shall be installed indicating the limits of the appropriate parking area and indicating that there shall be no parking in the easement.

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

DEED BOOK MC1316

PAGE NO. 81

GROUP NO. 2036