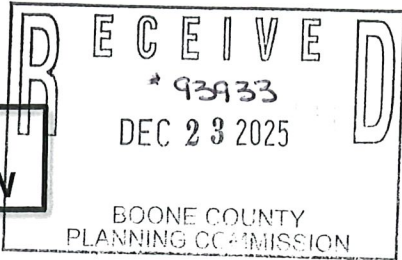


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



One (1) scaled copy and one (1) 11 x 17 reduction of submitted drawings are required

006

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: Joshua Davila
Address: 5879 Garden Rd
Florence Ky 41042
City State Zip Code
Phone Number: 502 525 5982 Fax Number: _____
Email: jdairbnbrentals@gmail.com
4. Description of Request:
Short Term Rental/Airbnb
5. Name of Development: Davila Short Term Rental
6. Location of Development: 5879 Garden Rd
Florence Ky 41042
City State Zip Code
7. Acreage Under Review: 0.26 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision):
94 Garden Road of Greeview Subdivision
9. Current Owner: Joshua Davila
Address: 5879 Garden Rd
Florence Ky 41042
City State Zip Code
Phone Number: 502 525 5982 Fax Number: _____
Email: jdairbnbrentals@gmail.com

10. Proposed Use(s) on Site: Short Term Rental/ Airbnb
11. Total Square Footage of Existing and/or Proposed Buildings: 11212 sq. ft.
12. Current Zoning: SB-1
13. 1178 510 2033 A
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:

Terma Dowitz

Applicant's Signature:

Terma Dowitz

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

1. Date Received: 12/23/2025 Fee Received: \$816.00 Receipt #: 93933

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 1/14/2026

5. Board Action: 1/14/2026

_____ Approved

Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: See Attached, Minutes, & CLUR

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: Joshua Davila

LOCATION: 5879 Garden Road, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: January 14, 2026

1. A Zoning Permit shall be submitted to, and approved by, the Boone County Planning Commission prior to any use of the property as a short term rental.
2. Occupancy shall be limited to a maximum of six (6) guests.

STAFF REPORT

#6

APPLICANT: Joshua Davila

LOCATION: 5879 Garden Road, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: January 14, 2026

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow the existing single-family residential dwelling to be used as a Short Term Rental.

SITE HISTORY

1954 The Florence Planning and Zoning Commission approved a Final Plat for Greenview Subdivision, First Addition, creating the lot in question.

1854-

1960 Based on information contained in the Boone County GIS, the existing house was built.

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 grant conditional uses 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 505.2 of the Boone County Zoning Regulations identifies 'Short Term Rental' as Conditional Uses within the SR-1 district.

D. Section 903.A of the Boone County Zoning Regulations states that 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.

E. Section 4000 of the Boone County Zoning Regulations defines 'Short Term Rental' as follows:

The rental of a residential dwelling unit, or a portion thereof, for a period of less than thirty (30) days. This term does not include:

- A. A unit that is used for nonresidential purposes, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use.
- B. A bed and breakfast.
- C. A hotel/residence hotel.

F. Section 3191 of the Boone County Zoning Regulations provides for the following supplemental regulations/standards for 'Short Term Rentals':

- 1. Except as provided for in ARTICLE 34, there shall be no external on-site

- or off-site advertising signs or displays indicating the property is a short term rental.
2. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
 3. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional adult guests, except for the following:
 - a. There shall be a maximum occupancy of ten (10) persons, adult or children.
 - b. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
 4. Parking requirements shall be as follows:
 - a. When the short term rental is located in a portion of the dwelling unit, two (2) parking spaces shall be provided for the residence and a minimum of one (1) parking space shall be provided per guest room or suite.
 - b. When the short term rental is located within the entire dwelling unit, a minimum of one (1) parking space shall be provided per guest room or suite.
 - c. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
 5. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
 6. The property on which the short term rental is to be located shall not be located closer than 1,000 feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.
 7. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
 8. It shall be unlawful:
 - a. 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 City in accordance with Ordinance Number O-20-20. (Applies to the City of Florence Only)
 - b. 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. (Applies to Unincorporated Boone County Only)
 - c. To advertise or offer a short term rental without first registering the property in which the short term rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertising of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to the City of Florence Only)
 - d. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to Unincorporated Boone County Only)
 - e. To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
 - f. To operate a short term rental without paying the required hotel occupancy taxes.
 - g. To offer or allow the use of a short term rental in a manner which violates the City Noise Ordinance (O-16-95). (Applies to the City of Florence Only)
 - h. To fail to include a written prohibition against the use of a short term rental for having a party in every advertisement, listing, or other publication offering the premises for rent.
 - i. Permit the use of the short term rental for any illegal purposes or any use not permitted by the residential zoning regulations.
9. Depending on the scope of improvements, a Zoning Permit or Tenant Finish Permit per ARTICLE 4, or a Minor Site Plan or Major Site Plan per ARTICLE 30, shall be submitted to and approved by the Planning Commission prior to constructing any improvements and operating a short term rental.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site as Suburban Density Residential, which is described as single family housing of up to four units per acre.
- B. Garden Road is a county maintained local street providing for two way traffic within an approximate twenty (20) foot pavement width. A raised parking area is located in the center of the street. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 0.26 acre area is located along the west side of Garden Road, approximately two hundred thirty (230) feet north of Colony Road.
- B. The site has approximately sixty (60) feet of frontage along Garden Road.
- C. Access to the site is provided by a single curb cut onto Garden Road.
- D. The site is currently occupied by a two-bedroom detached single-family residential structure.
- E. The site can accommodate parking for two (2) cars on the driveway.
- F. Topographically, the site slopes downward, from the southeast to the northwest, at an average grade of ten (10) percent.
- G. The site is located within the 55 day/night noise level of the airport.

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 use the two (2) bedroom house as a short term rental.

STAFF COMMENTS

- A. The site is located approximately 6,300 feet from the nearest approved Short Term Rental.
- B. It takes two (2) turning movements to get to the site in question from the nearest arterial street, which is Burlington Pike.
- C. Section 3191.F.3 of the zoning regulations states that there shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional adult guests.

Since the existing house contains two (2) bedrooms, the maximum occupancy for the proposed short term rental is six (6) guests.

- D. The approved Final Plat for Greenview Subdivision, First Addition, included the following restriction: This property shall be used for residential purposes only, and shall be subject to certain easements for utility construction for the use and benefit of the lots herein.
- E. Should the Board take action to approve the submitted request, Staff is suggesting the following conditions be considered as part of that action:
1. A Zoning Permit shall be submitted to, and approved by, the Boone County Planning Commission prior to any use of the property as a short term rental.
 2. Occupancy shall be limited to a maximum of six (6) guests.

CONCLUSION

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

Respectfully Submitted,



Michael D. Schwartz
Director, Zoning Services

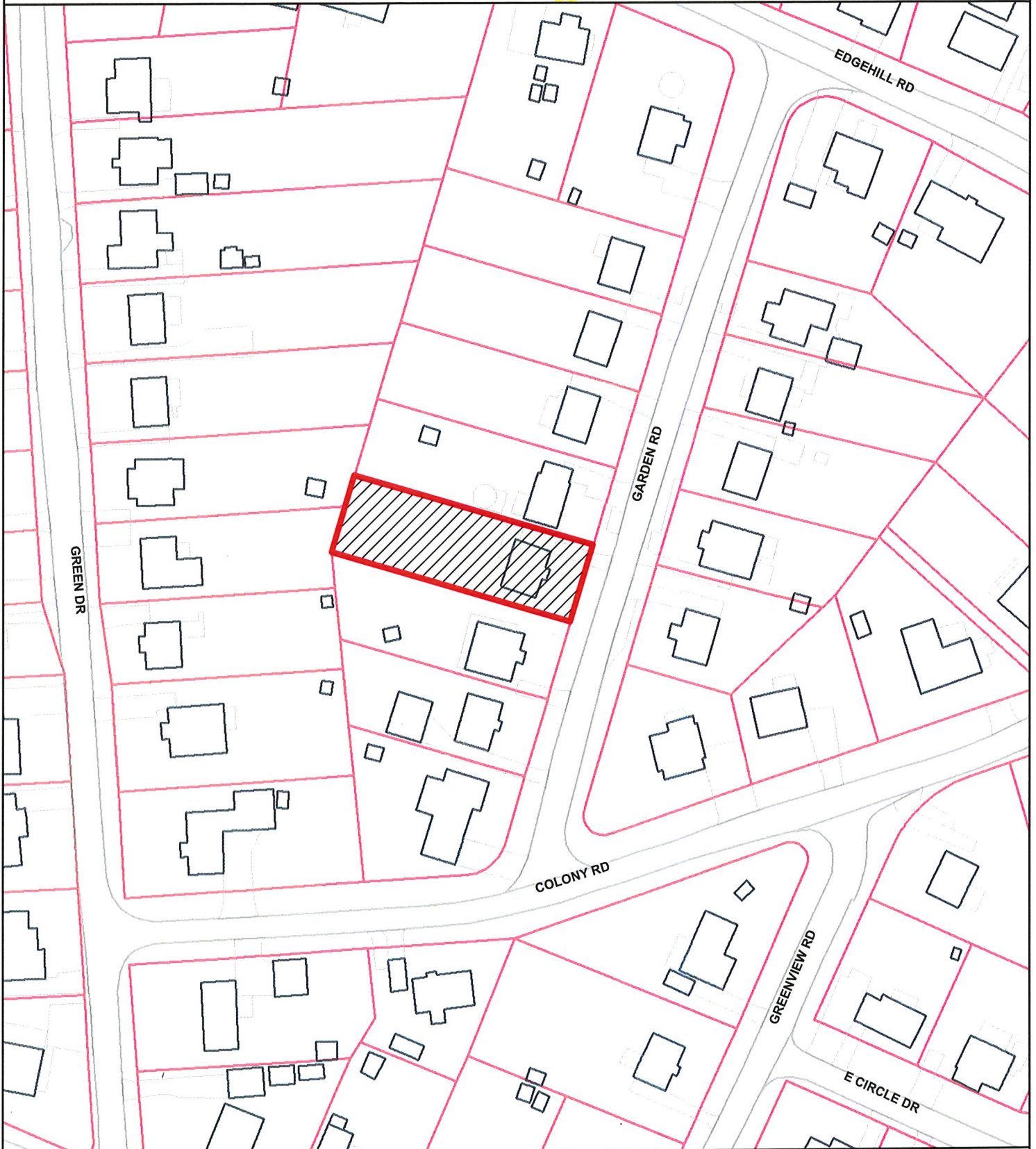
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographic Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *Application
- *Boone County Short Term Rental Permit Application
- *Concept Development Plan

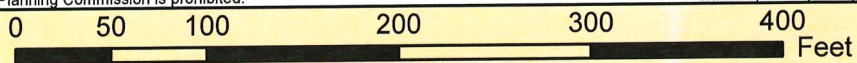
Vicinity Map

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



Boone County GIS
ArcMap Document: *.mxd

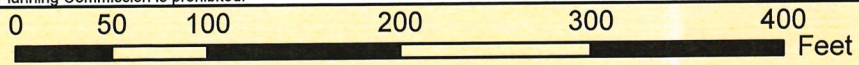
Aerial Map

www.boonecountygis.com



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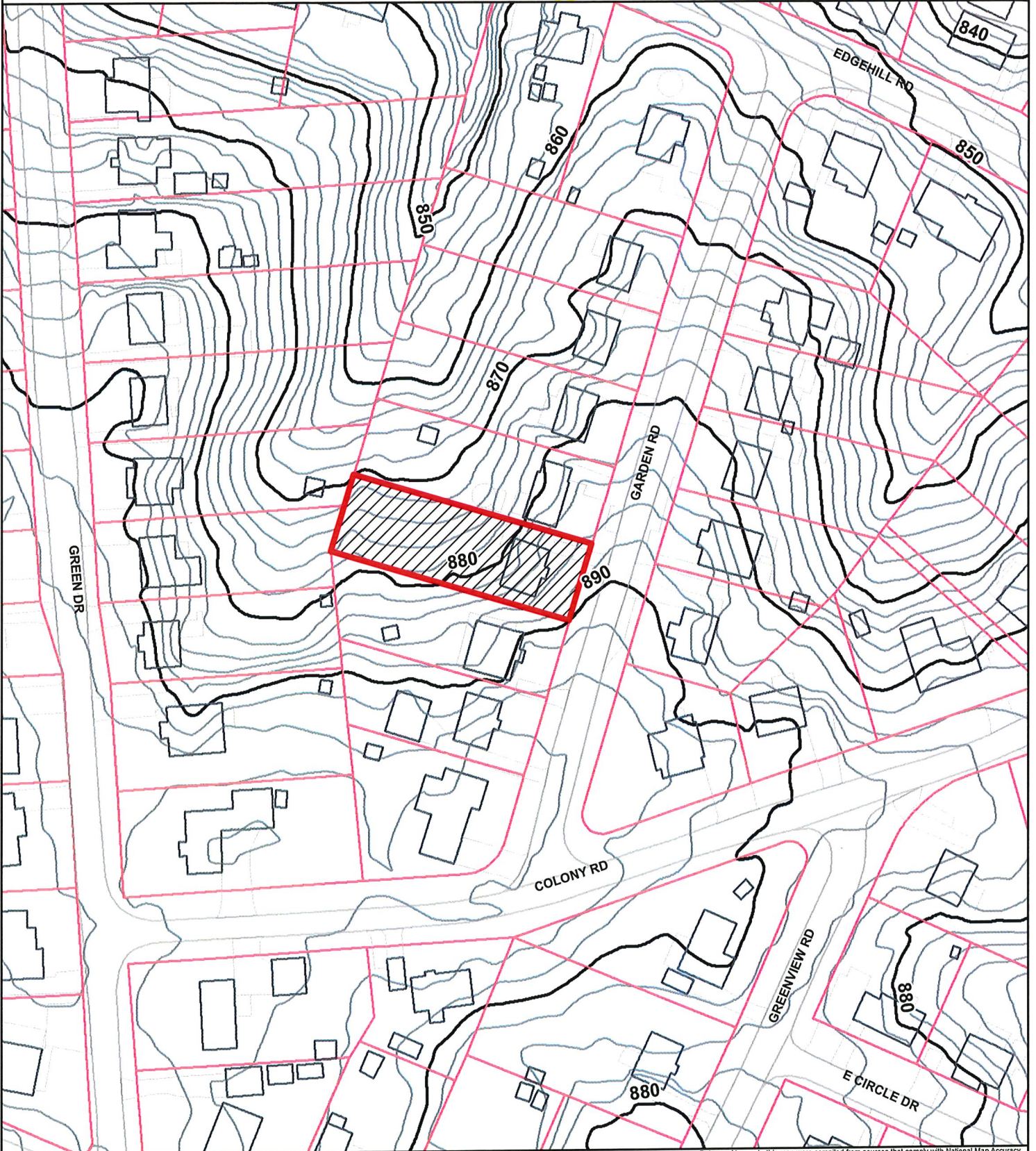


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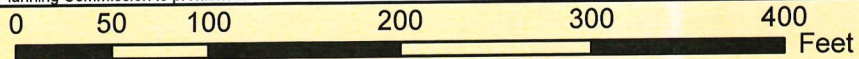
Topographic Map

www.boonecountygis.com



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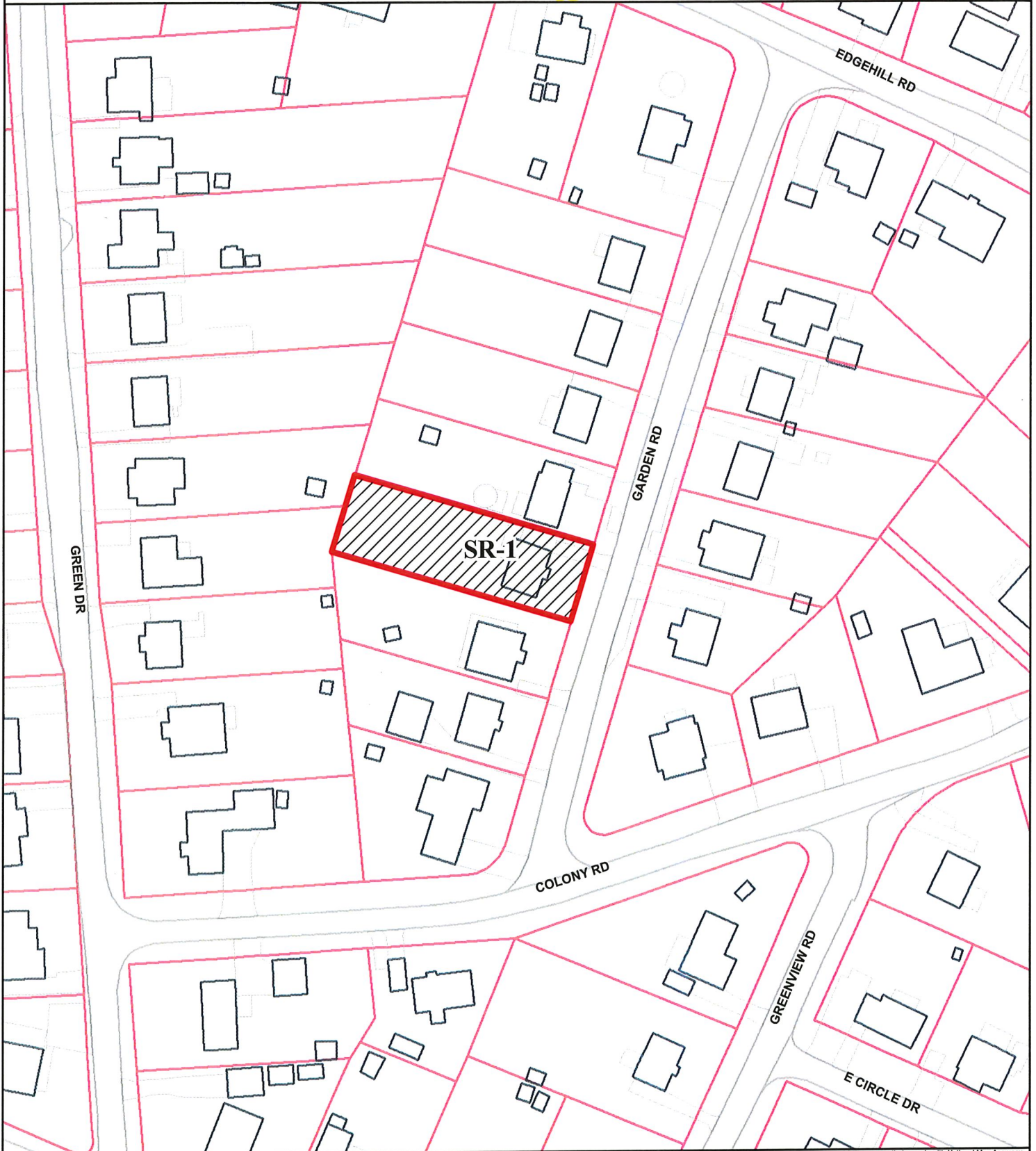
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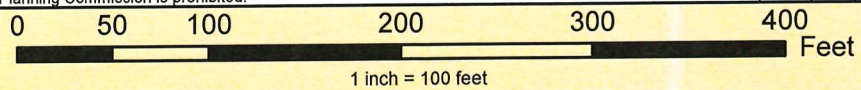
Zoning Map

www.boonecountygis.com



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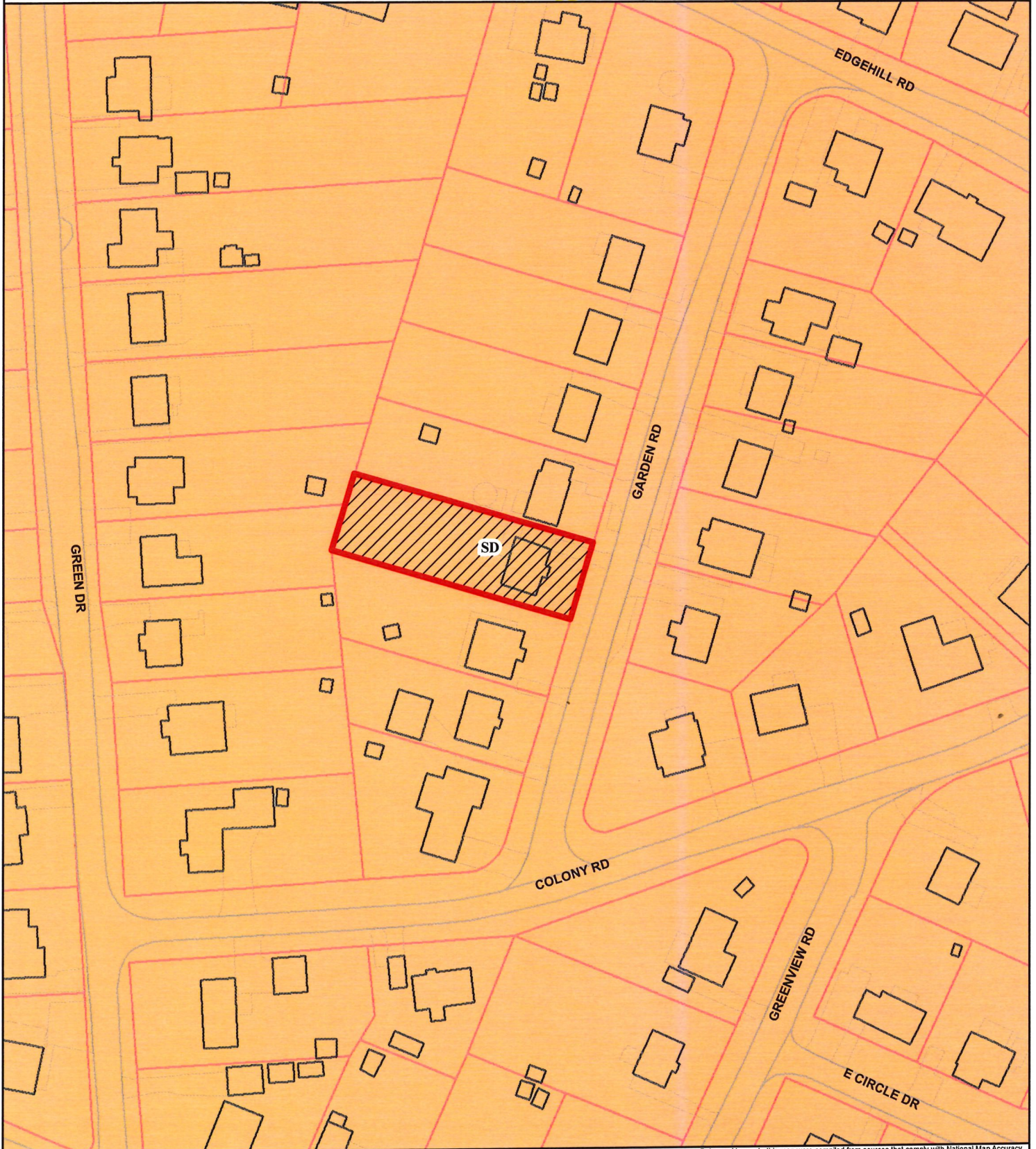
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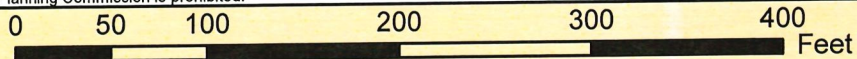
2040 Future Land Use Map

www.boonecountygis.com



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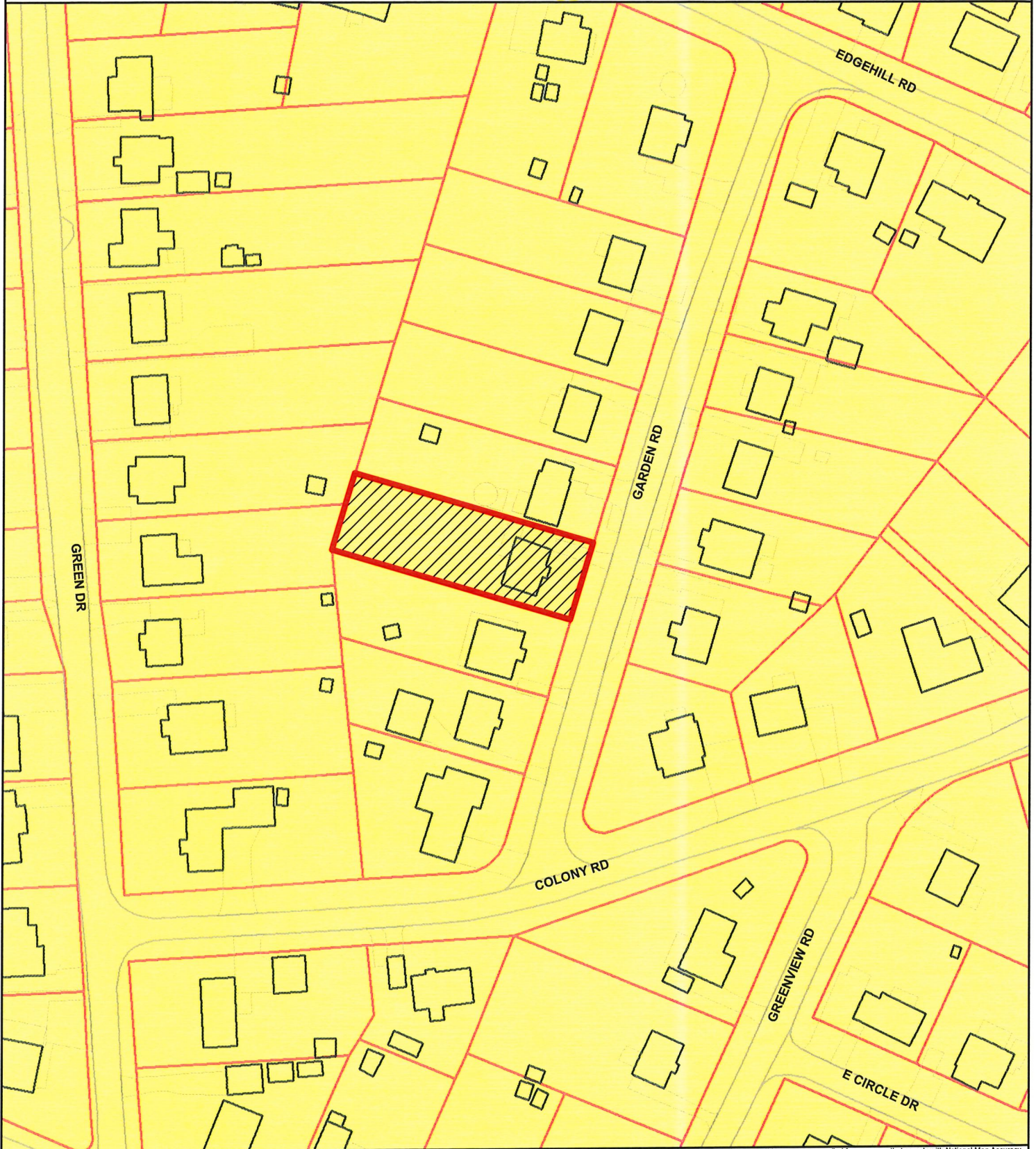


Boone County GIS - Putting Northern Kentucky on the Map

State Plane Kentucky North 8428 1193
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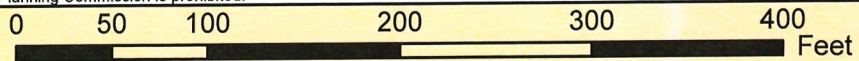
Noise Contour Map

www.boonecountygis.com



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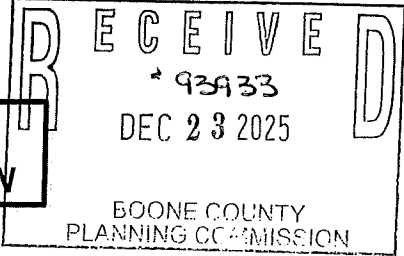


Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: * mxd

**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

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- 1. Check One Boone Florence Walton Union
- 2. Check One Conditional Use Permit Variance Appeal
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- 3. Applicant: Joshua Davila
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Florence KY 41042
City State Zip Code
Phone Number: 502 525 5982 Fax Number: _____
Email: jdairbnbrentals@gmail.com
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Short term Rental/Airbnb
- 5. Name of Development: Davila Short Term Rental
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City State Zip Code
- 7. Acreage Under Review: 0.26 Acres
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#99 Garden Road of Greeview Subdivision
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City State Zip Code
Phone Number: 502 525 5982 Fax Number: _____
Email: jdairbnbrentals@gmail.com

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11. Total Square Footage of Existing and/or Proposed Buildings: 11212 sq. ft.
12. Current Zoning: SB-1
13. 1178 510 2033 A.
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:

Terma Duvila

Applicant's Signature:

Terma Duvila

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

1. Date Received: 12/23/2025 Fee Received: \$816.00 Receipt #: 93933

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



BOONE COUNTY
KENTUCKY

RECEIVED
MAY 23 2025
BOONE COUNTY
OCCUPATIONAL LICENSE DEPT.

Short Term Rental Unit Permit Application

Applicant Information

Applicant Name Joshua Davila

Home Phone _____ Cell 502 525 5982

Mailing Address 5879 Garden Rd

City Florence State Ky Zip Code 41042

E-Mail jdairbnbrentals@gmail.com

Short Term Rental Unit Information

Short Term Rental Address 5879 Garden Rd

Number of Bedrooms 2 Number of off-street parking spaces 2

Maximum Number Occupants Requested 6 (Maximum of 10 occupants)

Emergency Contact Information (Emergency Contact must be able to respond to property within one (1) hour)

Name Nephi Mendez

Mailing Address 14552 South Fork Church Rd

City Verona State Ky Zip Code 41092

Cell Phone 816 709 8220 Alternate Contact Number _____

Email Address _____

I acknowledge that I understand that a Short Term Rental is defined as the rental of residential dwelling unit, or a portion thereof, for a period of less than 30 days and must comply with all zoning regulations, conditional use permit conditions and the County Short Term Rental Ordinance requirements. JD (initial)

Initial Permit Application

The following items are required to be submitted prior to the initial issuance of a Short Term Rental Permit:

- Floor plan sketch
- Self-safety inspection form
- Certificate of Liability Insurance with \$1,000,000 in coverage
- Copy of information brochure
- Approved Conditional Use Permit (within 90 days after application)
- Boone County Occupational License (within 90 days after application)

Short Term Rental Permit Renewal

The following items are required to be submitted with the renewal application:

- Certificate of Liability Insurance with \$1,000,000 in coverage
- Current Boone County Occupational License
- Updates to any other documents initially submitted. If no revisions have been made, please initial here _____

I hereby affirm that the information provided on this form is accurate to the best of my knowledge:

Joshua Davila

Name (print)

Joshua Davila

Signature

12/23/25

Date

**Please Return this Application to the Boone County Occupational License Department.
2950 Washington Street, Box 960 Burlington, KY 41005**

Office Use Only Below This Line

Boone County Planning Commission Approval: _____ Date _____

STRU License is: Approved Denied on this date _____

Boone County Fiscal Court _____ Date _____

Permit Number: _____

GIVE US A VISIT

Home address

Florence, KY
5879 garden road 41042

Parking

2 cars in the drive way

Trash collection

taken out on Monday

Pets

no pets allowed

GET IN TOUCH

24 hour local contact number
816-709-8220

Emergency contact
911

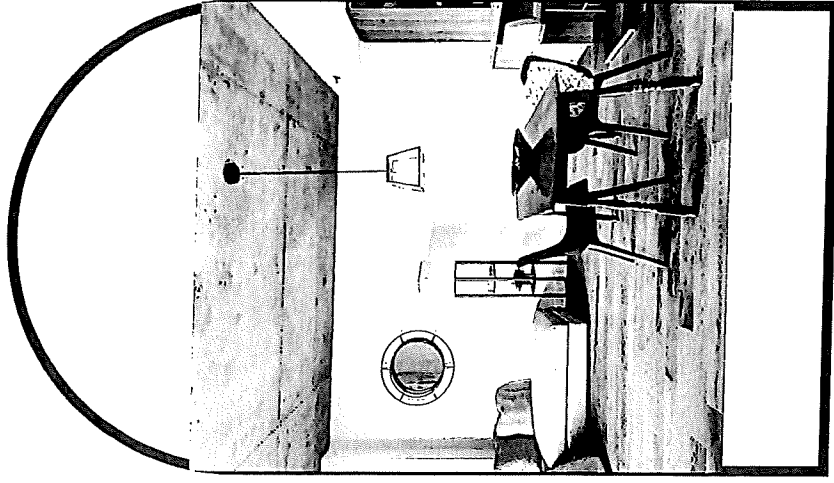
Non emergency contact
Police: 859-647-5420
Fire department: 859-647-5660
medical services: 888-478-3669

Severe weather alerts

Use NOAA Weather Radio
or
Sign up for Code Red at

www.boonecountyky.org/departments.emergency_management/codered_weather_warning.php

WELCOME



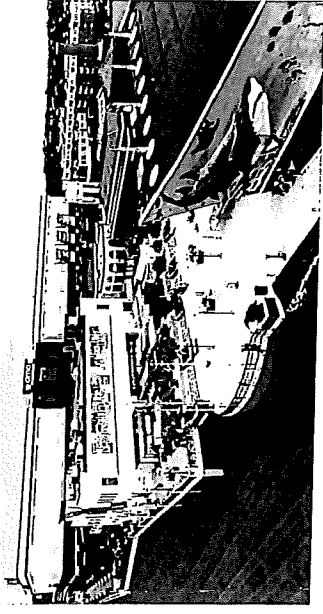
JD'S AIRBNB RENTALS

ARK ENCOUNTER

is a Christian theme park that opened in Williamstown, Kentucky, United States, in 2016.[2][3] The centerpiece of the park is a large representation of Noah's Ark, based on the Genesis flood narrative contained in the Bible. It is 510 feet (155.4 m) long, 85 feet (25.9 m) wide, and 51 feet (15.5 m) high.

CREATION MUSEUM

located in Petersburg, Kentucky, United States, is a museum that promotes a pseudoscientific form of young Earth creationism (YEC), portraying the origin of the universe and life on Earth based on a literal interpretation of the

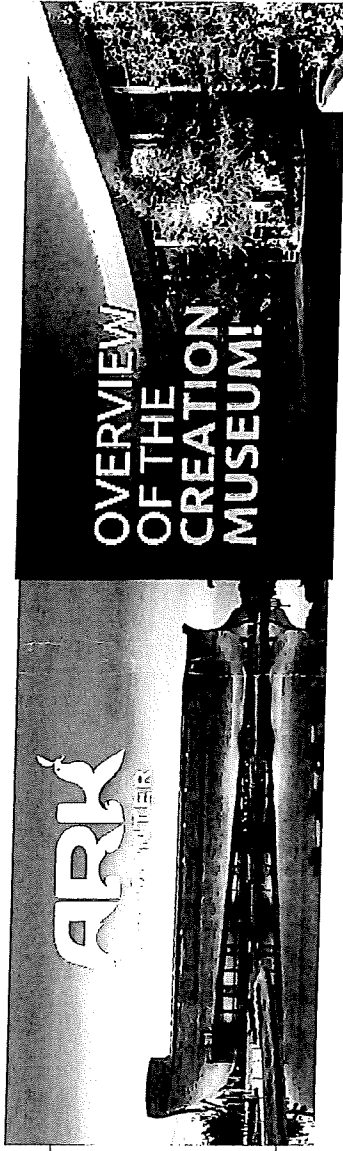


ATTRACTIONS AND LOCATIONS

Inside are three decks of world-class exhibits, illustrating what life aboard the ark may have been like, discussing flood geology and the subsequent ice age, and so much more!

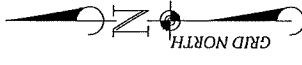
Genesis creation narrative of the Bible. This family-friendly attraction near Cincinnati explores creation science with stunning exhibits, dinosaur bones, fossils, botanical gardens, a planetarium, zoo, zip line course, and more.

NEWPORT ON THE LEVEE
a dining and attraction destination located on Third Street in Newport, Kentucky. Featuring a large aquarium, brand-name stores, a cinema & eateries.



SITE PLAN

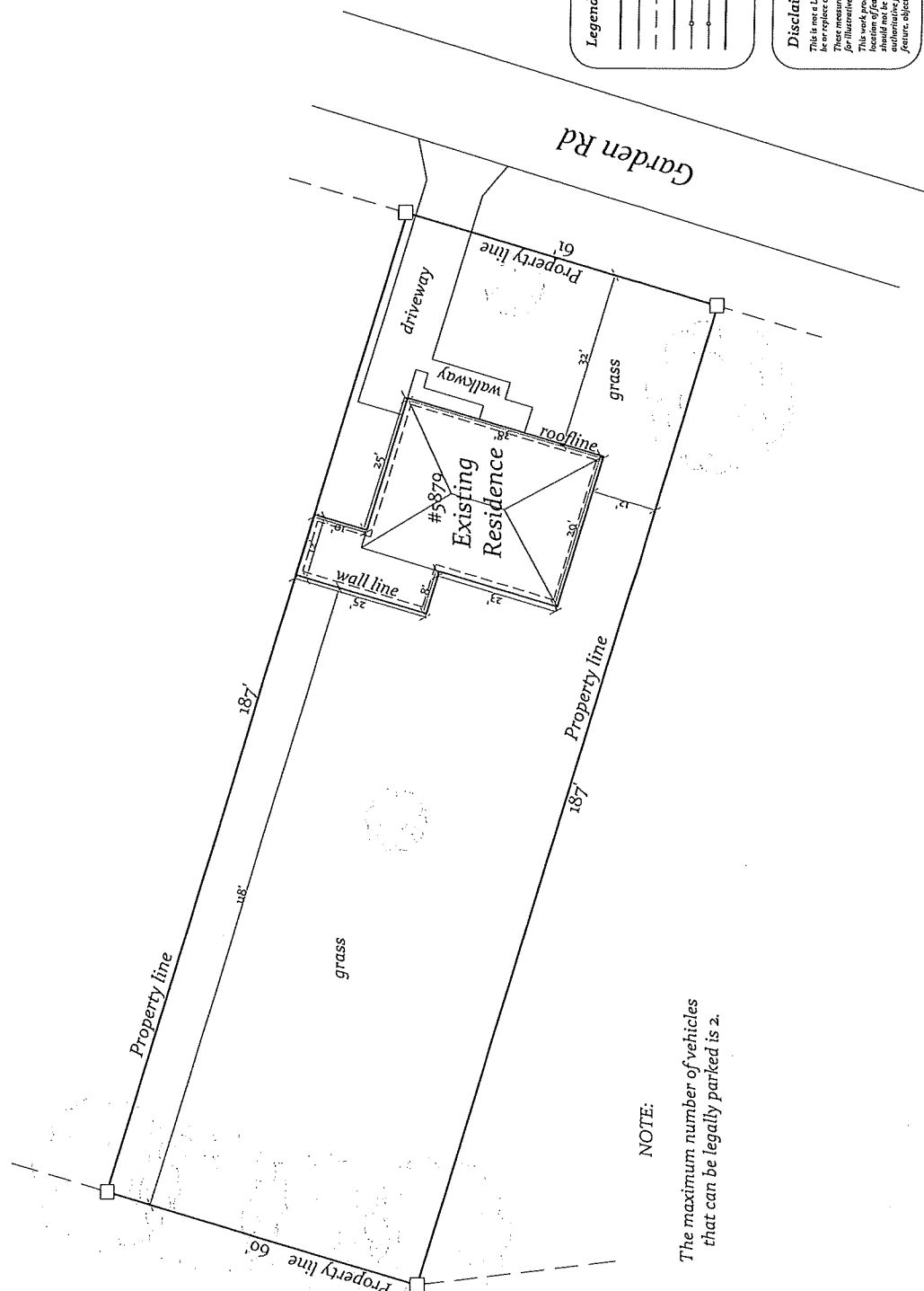
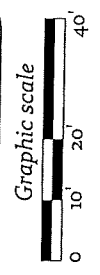
Address:
 5879 Garden Rd
 Florence, KY 41042
 Assessor's Parcel Number:
 061.00-01-100.00
 Parcel Area:
 0.26 Acres
 Land Use:
 Residential
 Single Family Residence
 Zoning: /
 Legal Description: LOT 94
 GREENVIEW (61A-100)
 Subdivision: /
 Owner: DAVILA, JOSHUA
 Paper size & scale:
 11" x 17"; 1"=20'
 Date: December, 2025



Scale:
 1"=20'
 Paper size:
 11" x 17"

Legend	
—	Property line
- - -	Topography line
—	Wall line
- - -	Roof line
—	Retaining wall
—	Fence
—	Proposed addition

Disclaimer
 This is not a Legal Survey, nor is it intended to be or replace one.
 These measurements are approximate and are for illustrative purposes only.
 This work product represents only generalized information and should not be used for legal purposes and should not be relied upon for the precise location of any feature, object or boundary.



NOTE:
 The maximum number of vehicles that can be legally parked is 2.



SITE PLAN

Address:
5879 Garden Rd
Florence, KY 41042

Assessor's Parcel Number:
061.00-01-100.00

Parcel Area:
0.26 Acres

Land Use:
Residential
Single Family Residence

Zoning: /

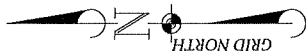
Legal Description: LOT 94
GREENVIEW (61A-100)

Subdivision: /

Owner: DAVILA, JOSHUA

Paper size & scale:
11" x 17"; 1" = 20'

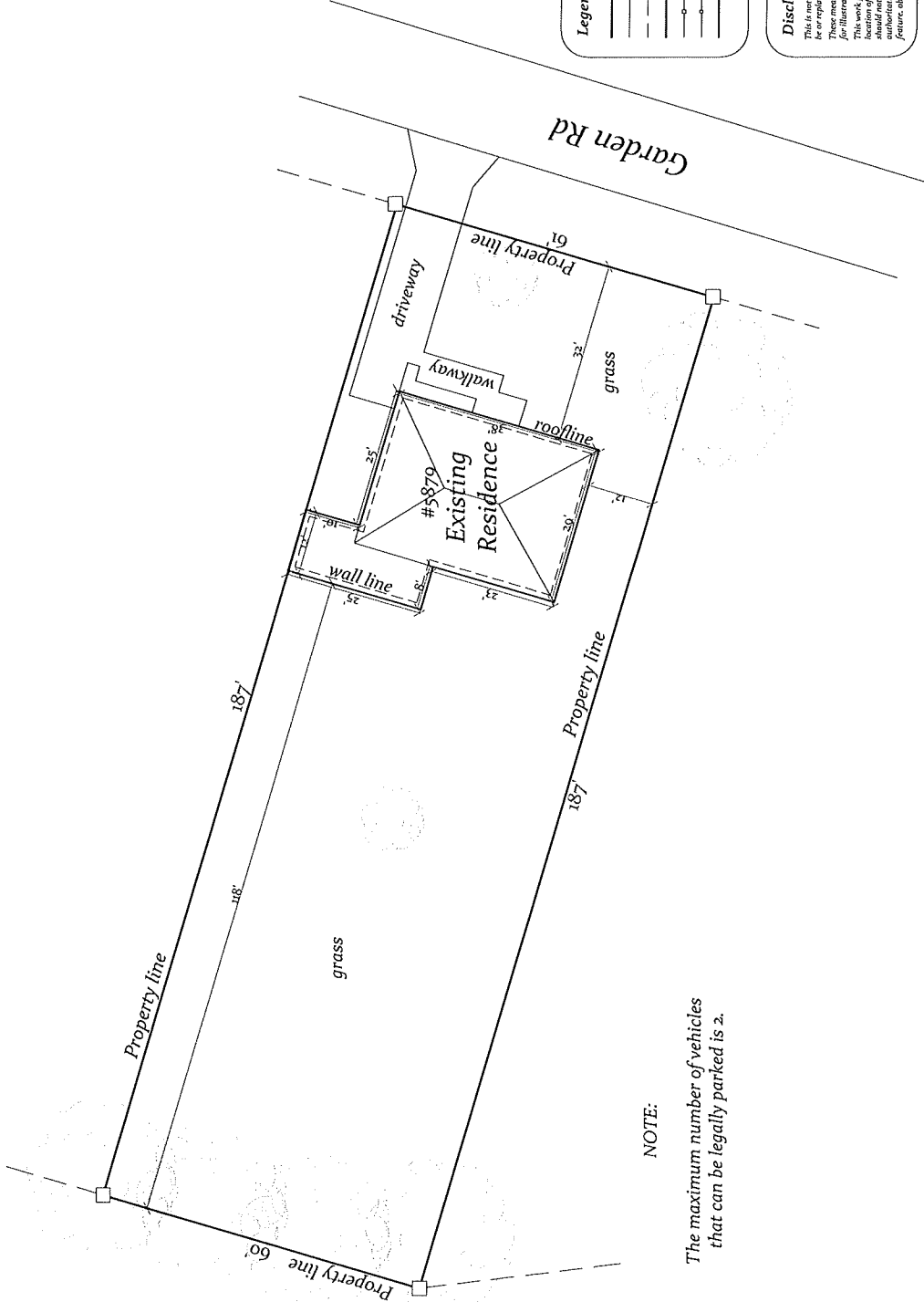
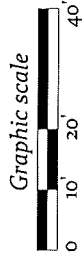
Date: December, 2025



Scale:
1" = 20'
Paper size:
11" x 17"

- Legend**
- Property line
 - Topography line
 - Wall line
 - Roof line
 - Retaining wall
 - Fence
 - Proposed addition

Disclaimer
This is not a Legal Survey, nor is it intended to be or replace one.
These measurements are approximate and are for informational purposes only.
This work product represents only a visualized location of features, objects or boundaries and should not be relied upon as being legally accurate or representing the location of any feature, object or boundary.



NOTE:
The maximum number of vehicles that can be legally parked is 2.

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Joshua Davila
5879 Garden Rd
Florence, KY 41042

2. ADDRESS OF PROPERTY
5879 Garden Rd
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Davila Short Term Rental

4. DEED BOOK 1178 PAGE NO. 510 GROUP NO. 2033A

5. TYPE OF RESTRICTION(S) (Check all that apply)

 Zoning Map Amendment:
From _____ To _____ Conditional Use Permit

 Development Plan Conditional Zoning

 Subdivision Plat
(Not Recorded) Other:

 Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT,
LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL
RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Michael D. Schwartz, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone

County Planning Commission this 15th day of January, 2026.

Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2029

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 January 14, 2026, Certificate of Land Use Restriction (#26-BCBOA-006-A), for Joshua Davila, Property Owner(s).

The following conditions will apply:

1. A Zoning Permit shall be submitted to and approved by the Boone County Planning Commission prior to any use of the property as a short-term rental.
2. Occupancy shall be limited to a maximum of six (6) guests.

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

DEED BOOK 1178

PAGE NO. 510

GROUP NO. 2033A