

**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: LEWIS D. WHITTENBURG JR.

Address: 4706 LIMABURG ROAD

HEBRON Ky 41048
City State Zip Code

Phone Number: 859-803-2888 Fax Number: 859-586-7478

Email: LDWSIL@yahoo.com

4. Description of Request:
BUILD A RESIDENTIAL USE 1 1/2 CAR GARAGE

5. Name of Development: _____

6. Location of Development: 4706 LIMABURG ROAD

HEBRON Ky 41048
City State Zip Code

7. Acreage Under Review: 1.4 A

8. Lot Number and Name of Subdivision (if part of a subdivision): 048.00 - 00 - 74.00

9. Current Owner: LEWIS D. WHITTENBURG JR.

Address: 4706 LIMABURG ROAD

HEBRON Ky 41048
City State Zip Code

Phone Number: 859-803-2888 Fax Number: 859-586-7478

Email: LDWSIL@yahoo.com

10. Proposed Use(s) on Site: CAR GARAGE
11. Total Square Footage of Existing and/or Proposed Buildings: PROPOSED 432.57
12. Current Zoning: _____
13. O - C _____
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:

Paul Whittney

Applicant's Signature:

Paul Whittney

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

1. Date Received: 5/4/24 Fee Received: \$966 Receipt #: 94649
2. Is application complete: ✓
3. Staff Reviewer: L Elliott
4. Scheduled Board Action Date: 6/10/26
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@boonecountkyky.org
www.boonecountkyky.org

STAFF REPORT

#2

APPLICANT: Lewis Whittenburg, Jr.

LOCATION: 4706 Limaburg Rd, Hebron KY

ZONING: Commercial One (C-1)

DATE: June 10, 2026

PROPOSAL

The applicant is requesting a Change in Non-Conforming Use to allow the construction of an additional detached garage for the benefit of the existing non-conforming residential use.

SITE HISTORY

- 1955 Based on the Boone County PVA data, the principle structure was built.
- 1980 Based on information contained in the Boone County GIS, the site is zoned C-1.
- 1985-1990 Based on information contained in the Boone County GIS, the first detached garage was constructed at some point between 1985 and 1990.

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 changes in nonconforming uses as specified in this order.
- B. Section 206.C.2 of the Boone County Zoning Regulations states that the board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification.
- C. Section 206.C.3 of the Boone County Zoning Regulations states that any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (C.2) of this section.
- D. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.
- E. Kentucky Revised Statute (KRS) 100.253 (2), reads as follows: "The board of adjustment

shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons."

- F. Section 1001.A of the Boone County Zoning Regulations state that "the purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces."
- G. Section 505.3 of the Boone County Zoning Regulations identifies single family dwelling unit as a prohibited use in the C-1 district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2045 Future Land Use Plan designates the site in question for Industrial uses. This designation is defined as manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.
- B. Limaburg Road is a county-maintained collector street providing for two-way traffic within an approximate twenty (20) foot pavement width. There is no sidewalk along either side of the roadway.

SURROUNDING LAND USES AND ZONING

North: Detached single-family residential dwelling (RS)
South: Vacant (C-1)
East: Spartan Construction & Brickman Landscaping (I-1)
West: Detached single-family residential dwelling (RS)

SITE CHARACTERISTICS

- A. The approximate 0.7-acre property is located along the east side of Limaburg Road, approximately two thousand (2000) feet east of North Bend Road.
- B. The site has approximately one hundred eighty-five (185) feet of frontage along Limaburg

Road.

- C. The site is currently occupied by a detached single family dwelling unit as well as one detached garage.
- D. Topographically, the site slopes slightly downward from southwest to northeast at an average grade of 3%.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the construction of a 432 square foot garage just south of the existing 960 square foot garage.
- B. The applicant also owns the property directly south of the subject site, closest to the proposed garage location.

CONCLUSION

KRS 100.253 and Section 202 of the Boone County Zoning Regulations gives the Boone Board of Adjustment the authority to act on the request.

Respectfully submitted,



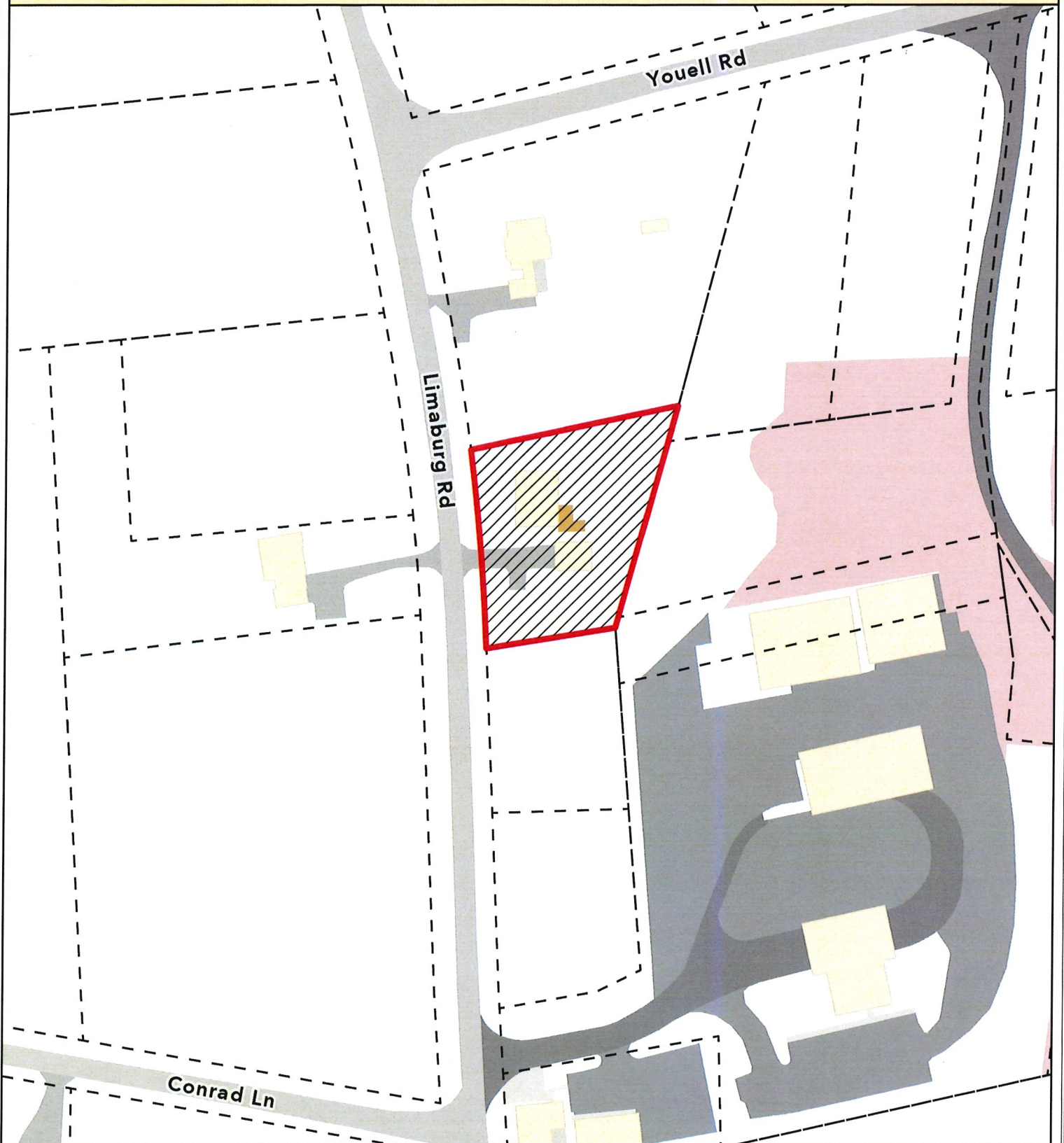
Lauren M. Elliott
Planner, Zoning Services

LME/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Zoning Map
- *2045 Future Land Use Map
- *Topography Map
- *Application
- *Concept Development Plan

Boone County GIS Map



0 70 140 280 420 560

Feet



Boone County GIS - Putting Northern Kentucky on the Map

Boone County GIS Map



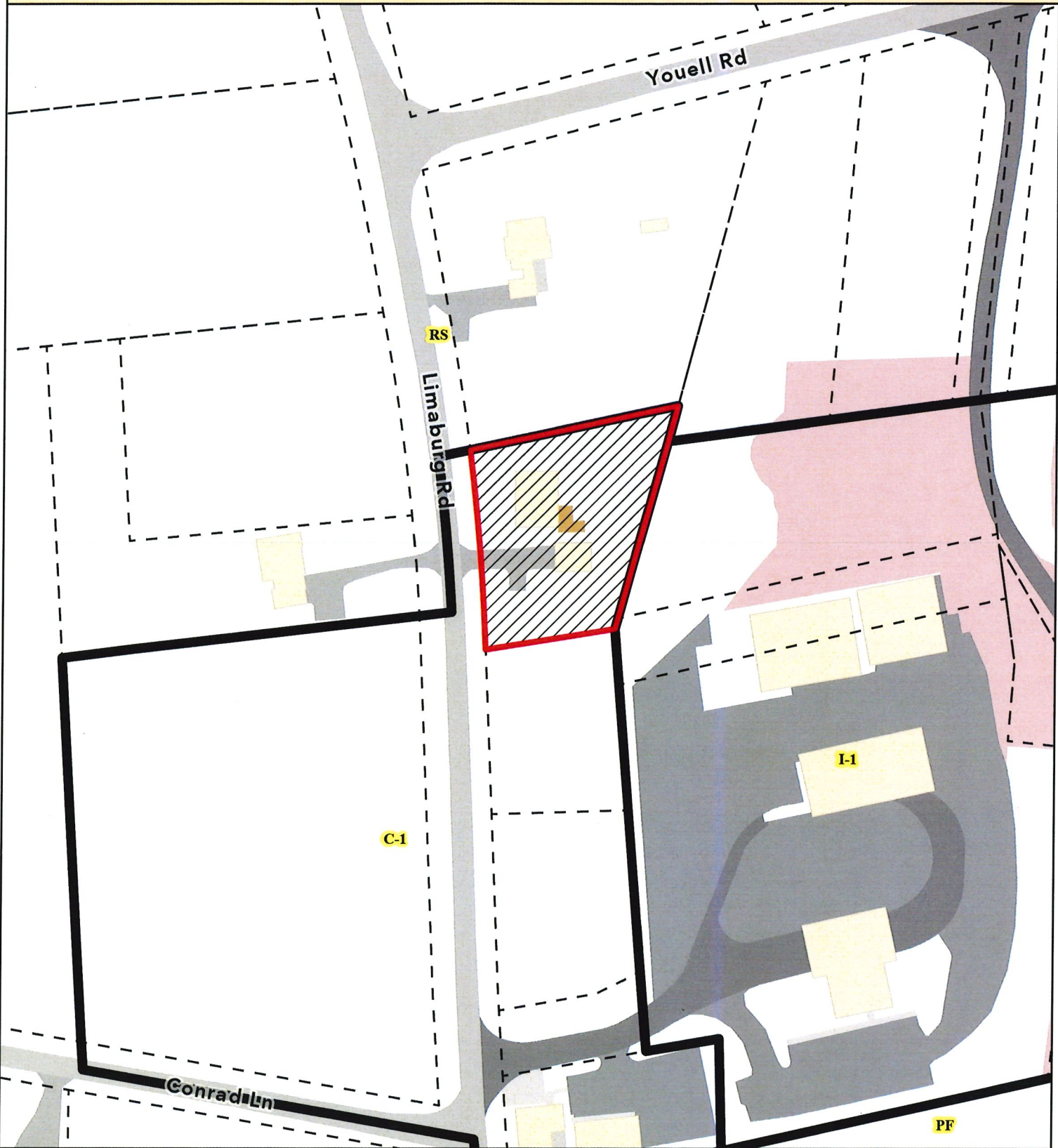
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Feet



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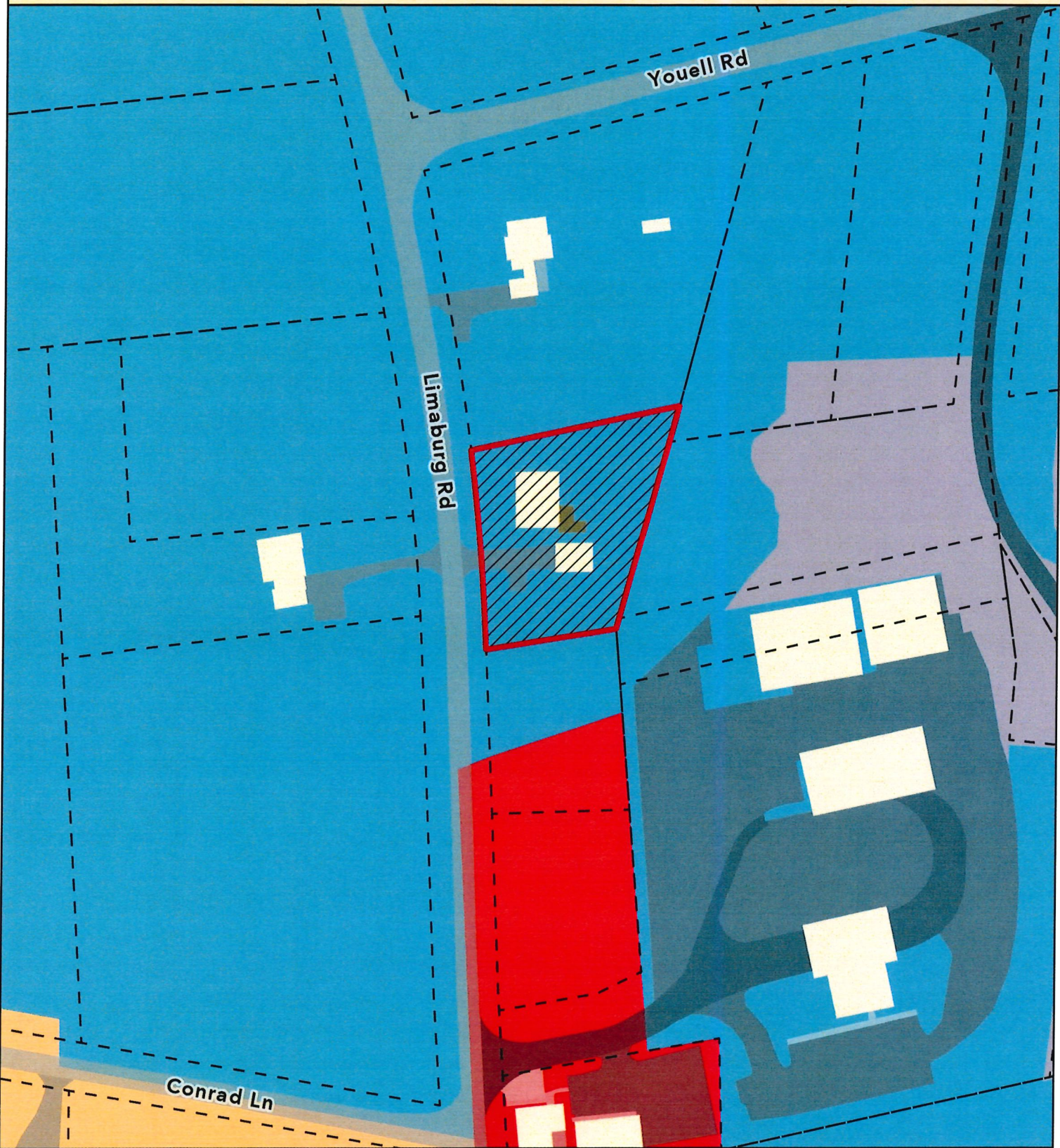
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Feet



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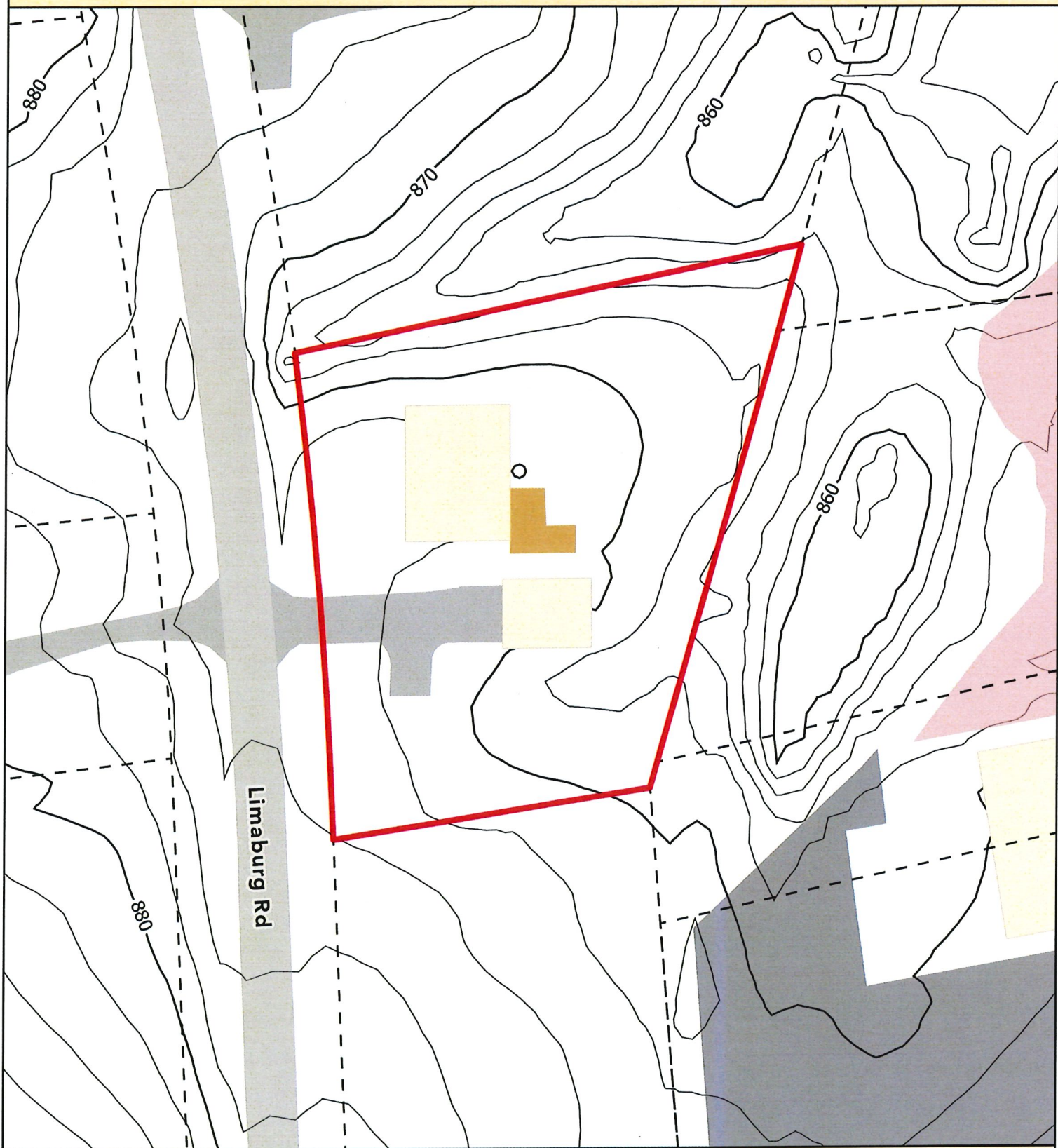
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Feet



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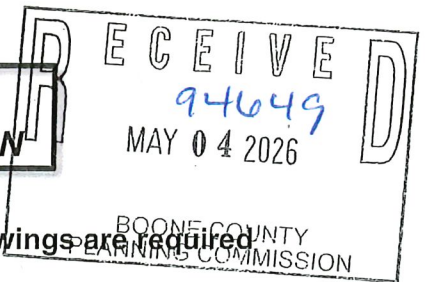


0 25 50 100 150 200 Feet



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4. Scheduled Board Action Date: _____
5. Board Action: _____

Approved

Approved with Conditions (see #6)

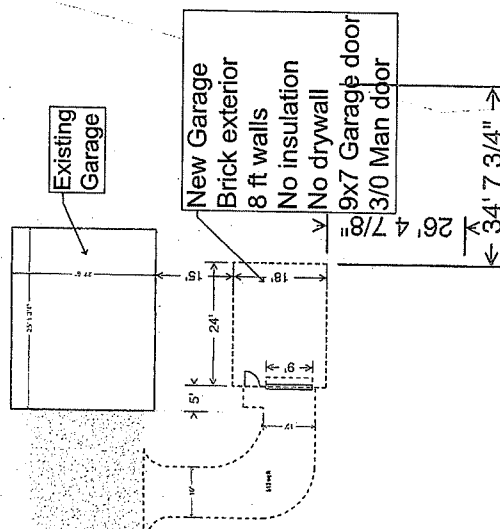
Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

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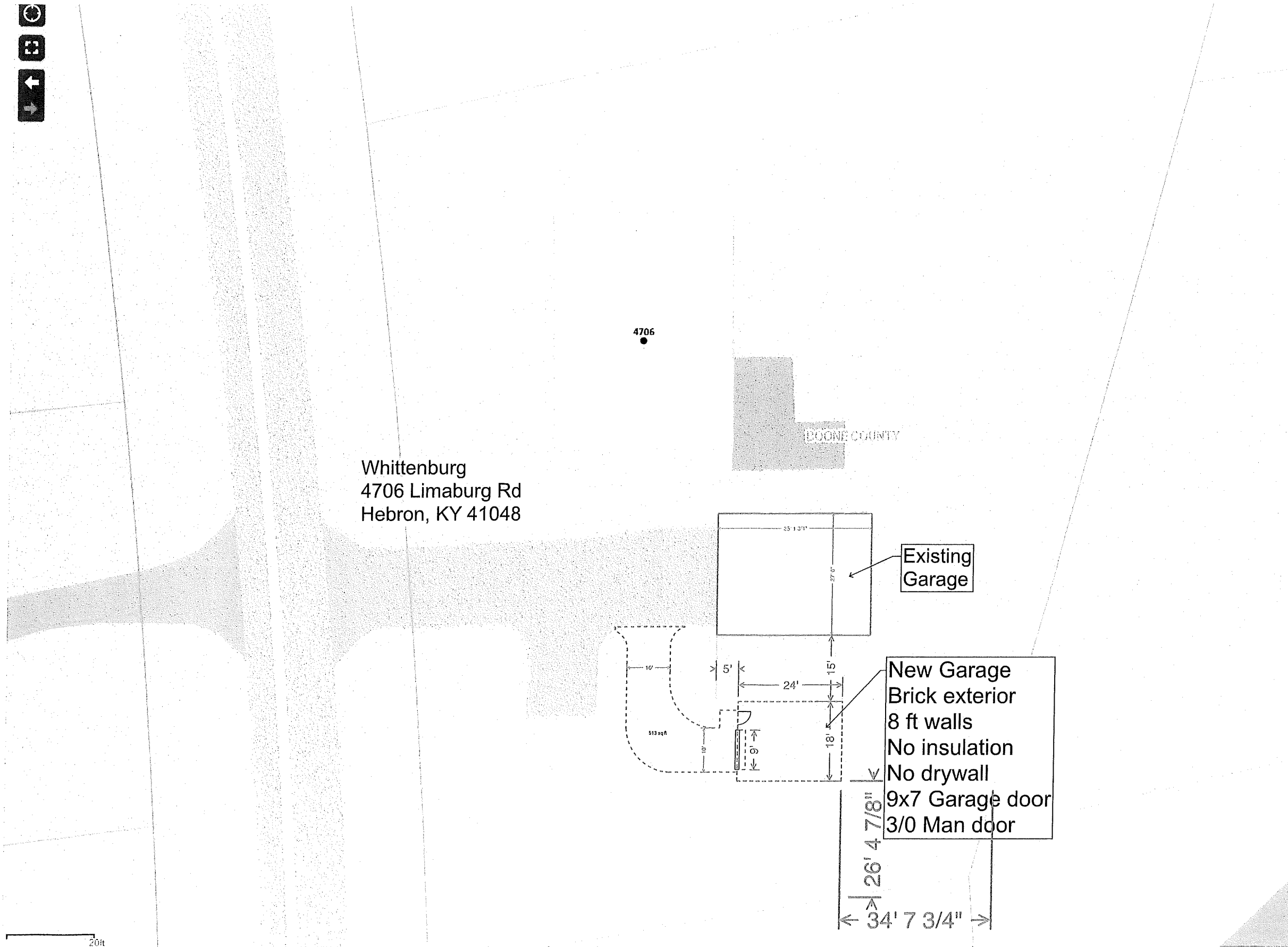
10

Whittenburg
4706 Limaburg Rd
Hebron, KY 41048



1538
11/11/11

$$\begin{array}{r} 834 \\ 932 \\ \hline 13.6 \end{array}$$
$$\begin{array}{r} 0.51 \\ 12.83 \\ \hline 25.6 \end{array}$$



house 1538
1140

884
932
1316

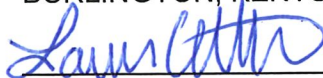
0131
11010
884
256

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Lewis D. Whittenburg, Jr.
4706 Limaburg Rd
Hebron, KY 41048
2. ADDRESS OF PROPERTY
4706 Limaburg Rd
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Whittenburg Garage
4. DEED BOOK 222 PAGE NO. 22 GROUP NO. 2026
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: Change in Non-Conforming Use
☐ 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

Lauren M. Elliott, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

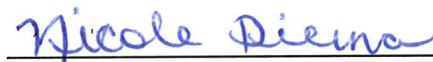
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Lauren M. Elliott on behalf of the Boone
County Planning Commission this 11th day of June, 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)