

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations).

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's Name Dan & Linda Whittenburg
Phone Number 689-4626
Applicant's Address 4706 Limalburg Rd.
Hebron KY 41098
City State Zip
4. Description of Request: This is to request that we be allowed to operate a small retail gift and quilt shop at the house at 5878 N. Jefferson St., Burlington, KY. 41005
5. Name of Development CABIN ARTS
6. Location of Development 5878 N. Jefferson St.
Burlington, KY. 41005
7. Acreage Under Review 1/4 acre
8. Lot Number and Name of Subdivision (if part of a subdivision) (N.A.)
9. Owner of Property Dan & Linda Whittenburg
Phone Number 689-4626
10. Address of Property Owner (Same)
City State Zip
11. Proposed Use(s) On Site A small gift, crafts, and quilt retail shop will be put into an existing log house at this location.
12. Total Square Footage of Existing and/or Proposed Buildings 900 sq. ft.
13. Current Zoning on Property SR-2/SR
14. Deed Book 484 Page No. 248 Group No. 2018
15. Is the site subject to a zone change? _____
If yes, give date of approval _____
16. Have you submitted a Site Plan with this request? (see attached)
17. Have you submitted a list of adjoining property owners with this request? yes
18. Applicant's Signature: [Signature], Linda Whittenburg
19. Property Owner's Signature: [Signature], Linda Whittenburg

AUG 19 1992

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 8-19-92
2. Fee Received \$316.00 R8327
3. Is application complete? Yes _____ No
4. Staff Reviewer D. Geshegan
5. Scheduled Board Action Date 9/9/92
6. Board Action:
 Approval
_____ Approved with Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons for Disapproval: _____

STAFF REPORT

DEVELOPMENT: Cabin Arts
APPLICANT: Dan & Linda Whittenberg (owners)
LOCATION: 5878 North Jefferson Street, Burlington, Kentucky
ZONING: Suburban Residential Two/Small Community (SR-2/SC)
DATE: September 9, 1992

REMARKS:

The applicants are seeking a Conditional Use Permit to allow operation of a gift shop. The one fourth (1/4) acre tract is located at 5878 North Jefferson Street, Burlington, Kentucky. The property is zoned Suburban Residential Two/Small Community (SR-2/SC) and is owned by Dan and Linda Whittenberg.

Article 20, Section 2012 of the *Boone County Zoning Regulations* states that one Conditional Use permitted on any site having a Small Community overlay district designation is "Art and craft galleries and similar exhibit space."(p.62)

The following reviews the criteria that the Board must use to judge all Conditional Use Permit requests:

1. The activity will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or zoning order.

Article 33, Off-Street Parking and Loading Facilities, of the *Boone County Zoning Regulations* outlines the minimum parking provisions required for all sites. Section 3300 specifically states that:

1. "No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this order;
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where there is change of use, there shall be provided as many of such spaces as may be required by this order." (p.203)

Joint parking provisions are permitted and regulated by Section 3320.

" Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap. The use of joint parking in lieu of the required parking will require a written agreement between property owner and a parking study to be approved by the Zoning Administrator." (p.207)


The applicants state that there is an existing driveway or parking area on the site. Also the paved area of their adjoining business, Superior Imports, would be available for parking. The gift shop, Cabin Arts, would operate at hours dissimilar (weekends) to the other business, Superior Imports. The applicants also stated there is an agreement between them and Urb's Complete Repair and Wrecker Service that Urb's lot located to the left of the site could be a joint use parking area.

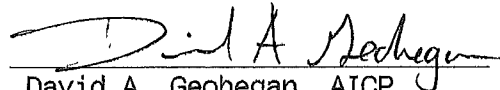
2. The activity will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the area. The applicant is working with the Boone County Historic Preservation Officer to assure appropriate appearance of the structure.
3. Staff can find no reason that the use will be hazardous to existing or future neighboring uses.
4. The activity will be adequately served 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. Sewer service for the proposed use must satisfy the Northern Kentucky Health Department.
5. The activity will create excessive additional requirements at the public cost for public facilities and services will not be created or be detrimental to the economic welfare of the community. Staff can find no such requirements.
6. The activity will involve uses, activities, process, materials, equipment and conditions of and operation that will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor.

7. The activity will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares. Staff is concerned that the existing parking indicated on the submitted plan is on a grass covered area and may create an unsafe condition at Idlewild Road. In addition, the proposed parking at Superior Imports is located away from the site, and the proposed parking at Urb's Garage is currently unpaved. Staff recommends that the business have ready access to paved off-street parking.

Attached to the report is a drawing done by the applicants showing the site, adjacent property owners, and parking areas. Also attached is a letter describing the proposed business and a letter from Urb Hillenbrand confirming joint use parking.

Respectfully Submitted,


Dean E. Niemeyer
Planning Assistant


David A. Geohegan, AICP
Senior Planner

DEN/DAG:par

September 3, 1992

Urb's Complete Repair and Wrecker Service
5880 N. Jefferson St.
Burlington, Ky. 41005

To whom it may concern:

This letter confirms that the parking area of Urb's Repair adjoining the Cabin Arts' property, 5878 N. Jefferson, is available for use by patrons of that business.

Sincerely,

John Allen Brown Pres.

BOONE COUNTY
PLANNING COMMISSION

R SEP 4 1992 D
RECEIVED

Dan & Linda Whittenburo
8/17/92

SUPERIOR
IMPORTS

(this property is
also owned
by us)

Parking

URB'S



-Mr. Selore)

5878 Jefferson

CABIN
ARTS
(proposed site)

Drive



existing
parking

← 35' →

Jefferson St.

Mrs.
Gline

BOND'S ARCHERY LANES

TO: BOONE COUNTY PLANNING AND ZONING

FROM: DAN & LINDA WHITTENBURG

RE: ZONING REQUEST, CABIN ARTS, 5878 N. JEFFERSON, BURLINGTON

This is to explain why a Site Plan is not necessary concerning our request to establish a business at 5878 N. Jefferson St. in Burlington, KY.

Our intentions for the location do not include any plans for exterior improvements such as excavation, landscaping, building of extra buildings or parking lots, or other such items. We are only cleaning up the area outside of garbage, and repairing the interior in minor ways since we are working to maintain the historical value of the original log house.

As far as parking is concerned, there is an existing parking or driveway area at the house, and the paved area at our adjoining business, Superior Imports, will be available also. The shop, Cabin Arts, at 5878 will operate mostly at hours not similar to Superior Imports. In addition, we do not intend for Cabin Arts to be a high traffic business as the building is small and will cater to a limited clientele with very specialized items such as quilts, handcrafted items, and gifts.

Linda & Dan Whittenburg
8/17/92

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Dan and Linda Whittenburg
4706 Limaburg Road
Hebron, Kentucky 41048

2. ADDRESS OF PROPERTY
5878 N. Jefferson St.
Burlington, Kentucky 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Cabin Arts

DEED BOOK: 484

PAGE NO.: 248

GROUP NO.: 2018

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

- Zoning Map Amendment from ___ to ___ [X] Conditional Use Permit
Development Plan ___ Conditional Zoning Condition
Subdivision Plat (unrecorded) ___ Other: (Specify)
Variance ___

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

RETURN TO:

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

Handwritten signature of Dave Geohegan

SIGNATURE OF COMPLETING OFFICIAL

Dave Geohegan, AICP/Senior Planner
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

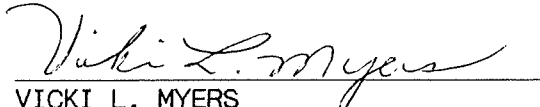
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Dave Geohegan

on behalf of the Boone County Planning Commission this 29th day

of October, 1992.

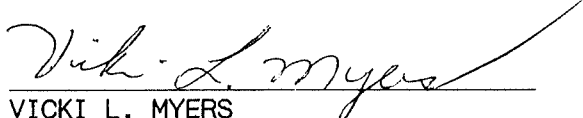


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of Septmeber 9, 1992, (Certificate of Land Use Restriction #92-BCBOA-017-A), for Dan and Linda Whittenburg, property owners.

NO CONDITIONS.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 484 PAGE NO. 248 Group No. 2018

State of Kentucky, County of Boone
JERRY W. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Misc was on the 30 day of October
1992, at 3:00 P. M., lodged in my office
for record, and that it has been duly recorded in
my said office, together with this and the
certificate thereon endorsed.
Given under my hand this 30 day of Oct.
1992.

JERRY W. ROUSE, CLERK
By Sellen Smart D.C.