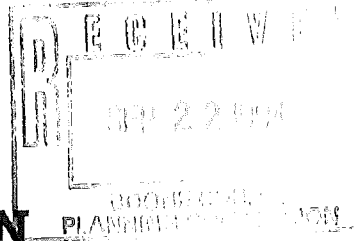


APPLICATION FORM
**BOARD OF ADJUSTMENT
 AND
 ZONING APPEALS ACTION**



(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 Tracey Lynn Durham
 Phone Number 781-5117 Fax No. _____
 Applicant's Address 23 Springhouse Drive
Cold Spring Ky 41076
 City State Zip
4. Description of Request: Father would like to deed approx. 5 acres so I may build residence.
5. Name of Development n/a
6. Location of Development 5074 middle creek Rd.
Burlington, Ky 41005
7. Acreage Under Review 5
8. Lot Number and Name of Subdivision (if part of a subdivision)
n/a
9. Owner of Property Raymond G. Lucas
 Phone Number of Owner 536-7756
10. Address of Property Owner 5074 middle creek Rd.
Burlington Ky 41005
 City State Zip
11. Proposed Use(s) on Site To be build residence
12. Total Square Footage of Existing and/or Proposed Buildings
n/a
13. Current Zoning on Property recreational
14. Deed Book 216 Page No. 471 Group No. 2028
15. Is the site subject to a zone change? NO
 If yes, give date of approval _____
16. Have you submitted a Site Plan with this request? yes
17. Have you submitted a list of adjoining property owners with this request? yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.
 Applicant's Signature: Tracey Durham
 Property Owner's Signature: Ray Lucas

(over)

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received SEPT 22, 94 Fee Received 371.00 R# 4917
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 10-12-94
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: see Minutes

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

STAFF REPORT

DEVELOPMENT: Single-Family Residence

APPLICANT: Tracey Lynn Durham

LOCATION: 5074 Middle Creek Road, Boone County, Kentucky

ZONING: Recreation (R)

DATE: October 12, 1994

The applicant is requesting a Conditional Use Permit to allow the construction of a single-family residence on a five acre lot which would be divided from a 14.9 acre parcel owned by Ray Lucas (See Sheet #1). The site is located next to the Nature Conservancy's property which is better known as Boone Cliffs at the end of Middle Creek Road (See Sheet #2).

The proposed use is permitted with a conditional use by the Boone County Zoning Regulations in Article 7, Section 713, Item 1: Any principally permitted uses of Agriculture (A-1) numbered 1-10. In determining the appropriateness of the use the Board must also consider:

- a) the activity is of integral relation to and directly in support of the recreation activity;
- b) the use, building or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district;
- c) the activity is necessary to serve the specified public or membership engaged in the principal purpose so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district or immediate environs surrounding;
- d) provided the arrangement of use, building or structure is mutually compatible with the organization or permitted and accessory uses to be protected in the district:

Surrounding Land Uses and Zoning (see sheet # 3)

The site is zoned Recreation and is surrounded to the north by additional Recreation zoned land, with the nearest resident located approximately 1,000 feet away. To the south of the applicant's property is Middle Creek and additional forest land zoned Agriculture. West of the applicant's site is the Nature Conservancy property and a single-family residence zoned Conservation District. The property to the east is also zoned Recreation with the nearest single-family residence located approximately 1000 feet away.

Relationship to Comprehensive Plan

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the area as Developmentally Sensitive. The Text of the Land Use Element indicates that this area should be experience moderate growth of a Rural Density character which would be defined as one dwelling unit per acre or less. In addition, this area contains a significant amount of Developmentally Sensitive area which should be protected from development. The Middle Creek Valley should become a preservation corridor in order to protect and expand the existing nature preserves, passive recreation sites and historic areas.


Staff Concern

1. Staff believes that the character of the area is largely shaped by the trees which cover much of the land area within the Middle Creek Valley. Therefore, if the Conditional Use Permit is granted limits should be established which preserve as much of the tree cover as possible and prevent the clearing of the five acre parcel.

Conclusion

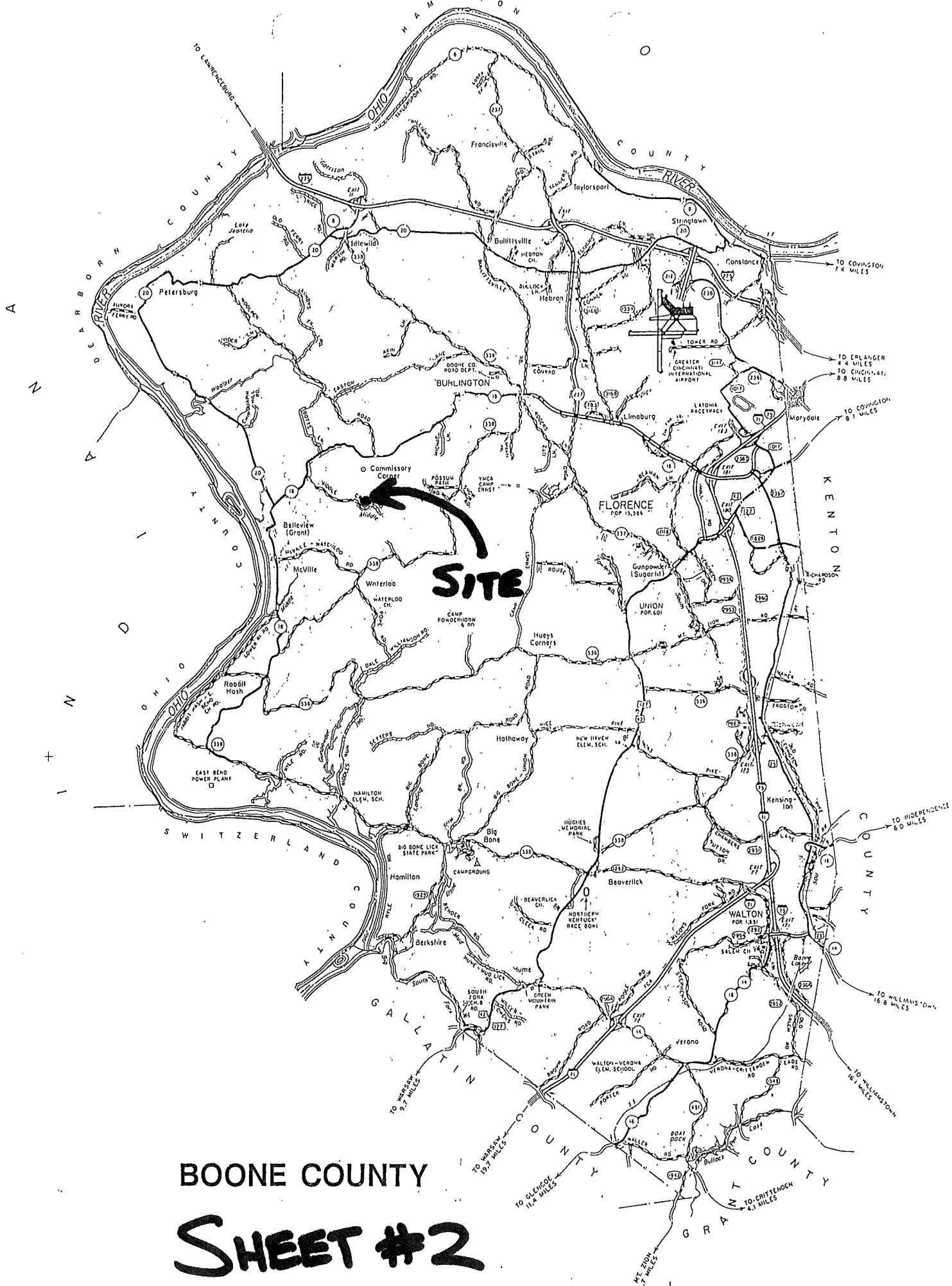
The applicant's request has to be determined by following the criteria the Board must use to judge each Conditional Use Permit as well as the four specific criteria for a Recreation zone. It should be determined whether the use will be designed, constructed, operated, and maintained so as to be harmonious 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.

Respectfully Submitted,

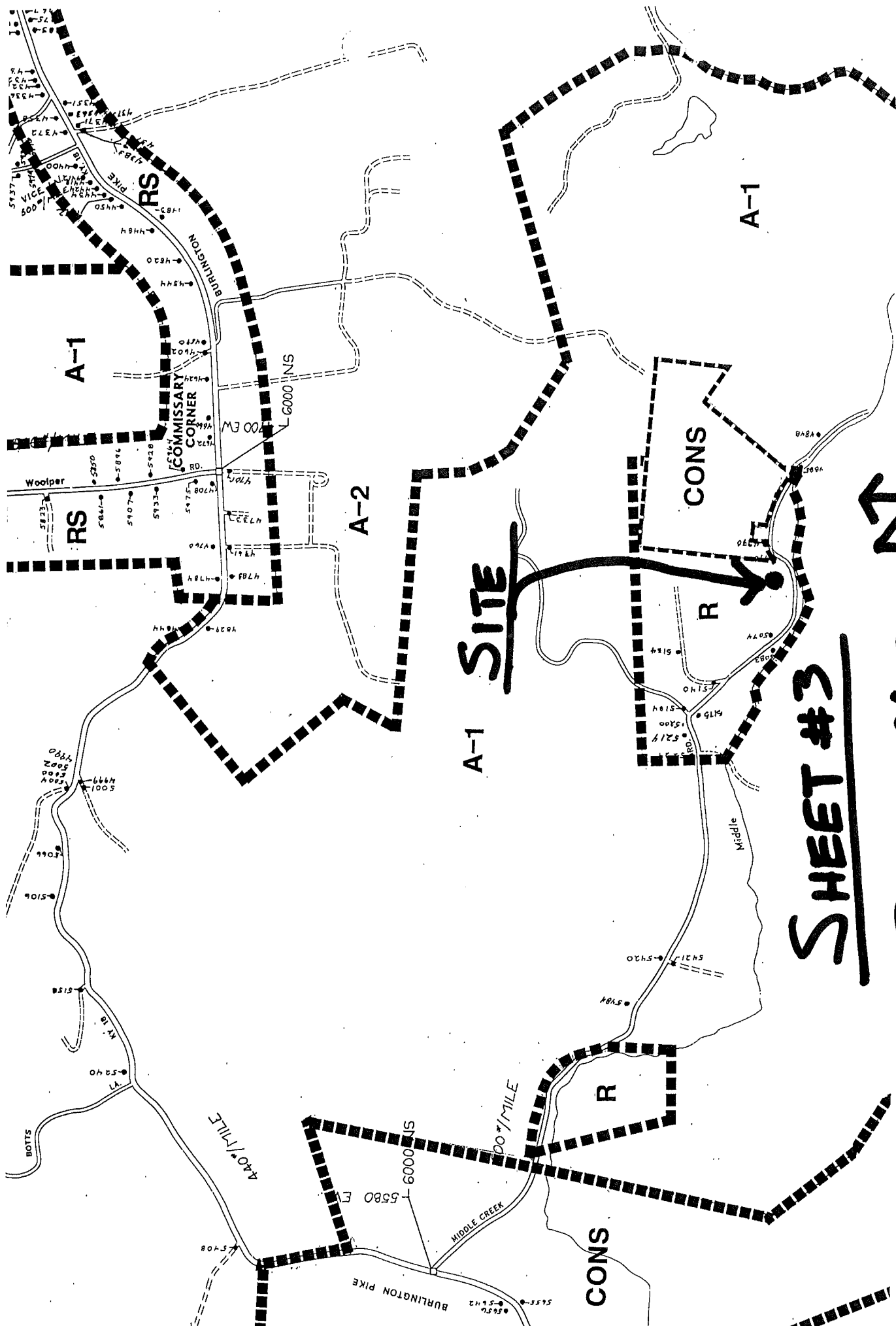


Jeffrey F. Hayes
Planner

JFH\par



BOONE COUNTY
SHEET #2



SITE

SHEET #3

ZONING MAP

