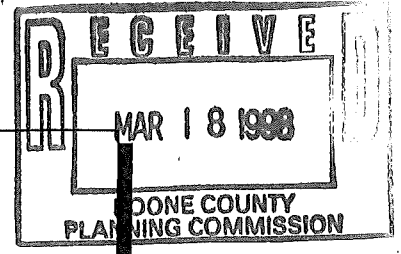


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) X Boone Florence Walton Union
2. (Check One) X Conditional Use Permit Variance Appeal
3. Applicant's Name Phyllis A. England
Phone Number (606) 586-5802 Fax No. N/A
Applicant's Address 5309 Idlewild Road
Burlington Kentucky 41005
4. Description of Request: See attached Exhibit A.
5. Name of Development N/A
6. Location of Development 5309 Idlewild Road, Burlington, Kentucky
7. Acreage Under Review Approximately 3 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Phyllis A. England
Phone Number of Owner (606) 586-5802
Address of Property Owner 5309 Idlewild Road, Burlington, KY 41005
11. Proposed Use(s) on Site meeting/banquet facility
12. Total Square Footage of Existing and/or Proposed Buildings 10,000
13. Current Zoning on Property rural suburban
14. Deed Book 281 Page No. 261 Group No. 573
15. Is the site subject to a zone change? no
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: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature]

712990
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 MARCH 18, 1998 Fee Received 500.⁰⁰ R# 16244
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE MINUTES FROM BCBOA DATED 4/8/98

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

APPLICANT: Phyllis A. England
LOCATION: 5309 Idlewild Road, Boone County, Kentucky
ZONING: Rural Suburban (RS)
DATE: April 8, 1998

Proposal

The applicant is requesting a Conditional Use Permit to allow the use of an existing building as a banquet facility on an approximate 3 acre site, located at 5309 Idlewild Road, Boone County, Kentucky. The applicant desires to use the existing structure for rental for events such as wedding receptions, corporate parties, political fund raisers and other events. The building is a two story structure with approximately 5,000 square feet on each floor. The applicant has submitted a document entitled Exhibit A, as part of the application that further details the proposal with a brief history of the structure. The applicant has also submitted a concept plan which indicates a proposed entrance off of Idlewild Road, parking requirements, and landscaping. The driveway is proposed along the southern property line with landscaping between the driveway and the property line. The driveway terminates into a 4 isle, 82 space parking lot.

Article 9, Section 923 of the Boone County Zoning Regulations permits places of assembly (banquet facility) or entertainment-including the operation of eating and drinking establishments with alcoholic beverages as Conditional Uses in Rural Suburban (RS) zoning districts.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 923 of the Boone County Zoning Regulations:

The requested use and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:

- a. the activity is an integral and subordinate function of a permitted recreational or residential use; or
- b. the activity will not contradict the semi-rural character of the district;

- c. require or contribute to infrastructure needs above than common to the permitted uses of the district;
- d. is of direct relation to and in support of the purpose of the district; and
- e. the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning

The property to the west, north, and east is part of the same zoning as the England property, which is Rural Suburban (RS). There is a residence on the south side of the site, next to the proposed entrance and driveway. The property to the south is zoned Agricultural Estates (A-2). This property is used for agricultural purposes.

Staff Concerns/Comments

1. The proposed entrance and driveway are located along the southern property boundary. The driveway sits approximately 50 feet from the Robinson residence and approximately 110 feet from center line of driveway to driveway. The proposed concept plan does not meet the minimum spacing required between driveways on a collector road which is 230 feet. Even if the applicant receives a waiver from the Zoning Administrator to reduce the minimum spacing, the proposed location is inappropriate. The noise, smell, and lights from automobiles and busses may create nuisances for the adjacent property owner. Landscaping is not as an effective measure against these possible nuisances as is moving the driveway away from the Robinson residence. The Robinsons have indicated to the Staff that their bedroom is located on the side of the house nearest the proposed driveway. Staff suggests that the driveway be located away from the Robinson property on the north side of the site, closer to the building. This would allow guests to enter, drop off, and then park. It would also reduce the possibility nuisances that may be created by the automobiles or busses. Another option would be to use the existing driveway that is currently being used to access the building.
2. If the Conditional Use Permit is approved, a Site Plan will be required to be submitted and approved by the Planning Commission Staff. Landscaping will be required around the parking lot and the driveway.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit to allow a banquet facility in an existing 10,000 square foot building at 5309 Idlewild Road. It is Staffs' opinion that the Conditional Use will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations, if the Staff concerns can be adequately addressed.

Respectfully submitted,



Edward Coleman
Planner

EC\par

Attachments

- Location Map
- Site Map
- Exhibit A
- Concept Plan

EXHIBIT A

Applicant requests a Conditional Use Permit, pursuant to Section 923 (1) of the Boone County Zoning Regulations. The Applicant desires to convert the use of the existing 10,000 square foot building located upon Applicant's property for use as a meeting/banquet facility for rental for such events as wedding receptions, corporate parties, political fund raisers and other events. As part of the rental, catering services and bar services will be offered. The existing building is a two-story, metal building which contains approximately 5,000 square feet on each floor. The building was used by Charlie England, who is now deceased, to house his collection of antiques and other collectibles. The collection includes antique cars, antique horse drawn carriages, clocks, Indian artifacts, antique hand tools and numerous other items. In past years, in addition to housing his collection for his personal enjoyment, Mr. England allowed many groups to use the facility for picnics, parties and other events free of charge. Since Mr. England's death, his family has determined that in order keep as much of the collection as possible intact, it is necessary to turn the building into an income producing facility.

Interior improvements of the facility will include the installation of heating and cooling systems, upgrade of restroom facilities, installation of a walk-in cooler, and catering facilities. Exterior improvements are mainly limited to the parking area which would include minimal grading, blacktopping of the parking spaces necessary for the facility, installation of a separate means of ingress and egress to the parking lot and landscaping.

Proposed New Entry

Road

Idlewild

North

60'

Entry Section

Existing Fence Line

Proposed Landscaping

Proposed Display Gazebo

Exist. Bldg.

Exist. Bldg.

SUBJECT BUILDING

Exist. Res.

Exist. Barn

Existing Fence Line

Existing Tree Line

Proposed Sign

Proposed Sign

Existing Fence Line

Existing Sign

Support

Support

Support

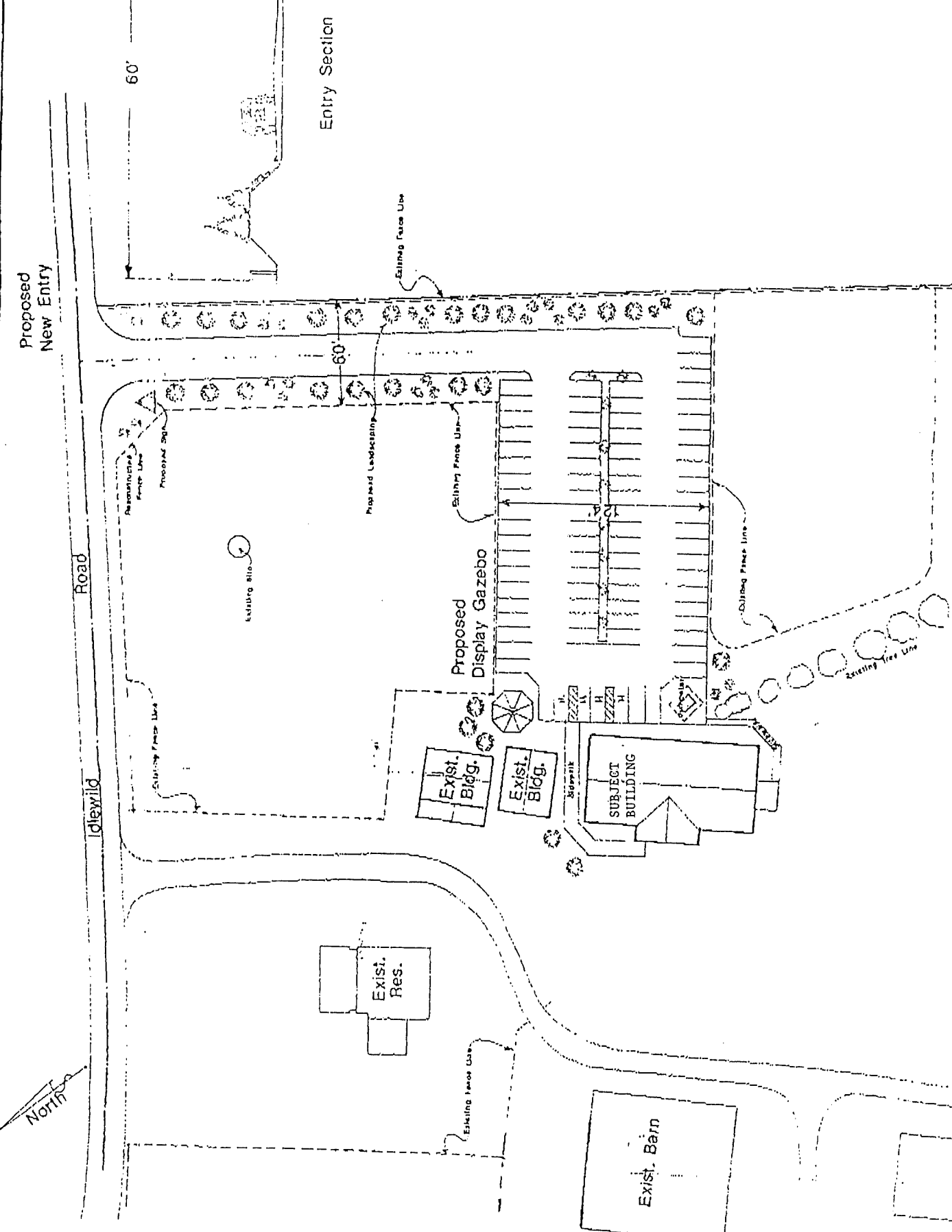
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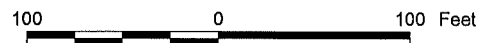
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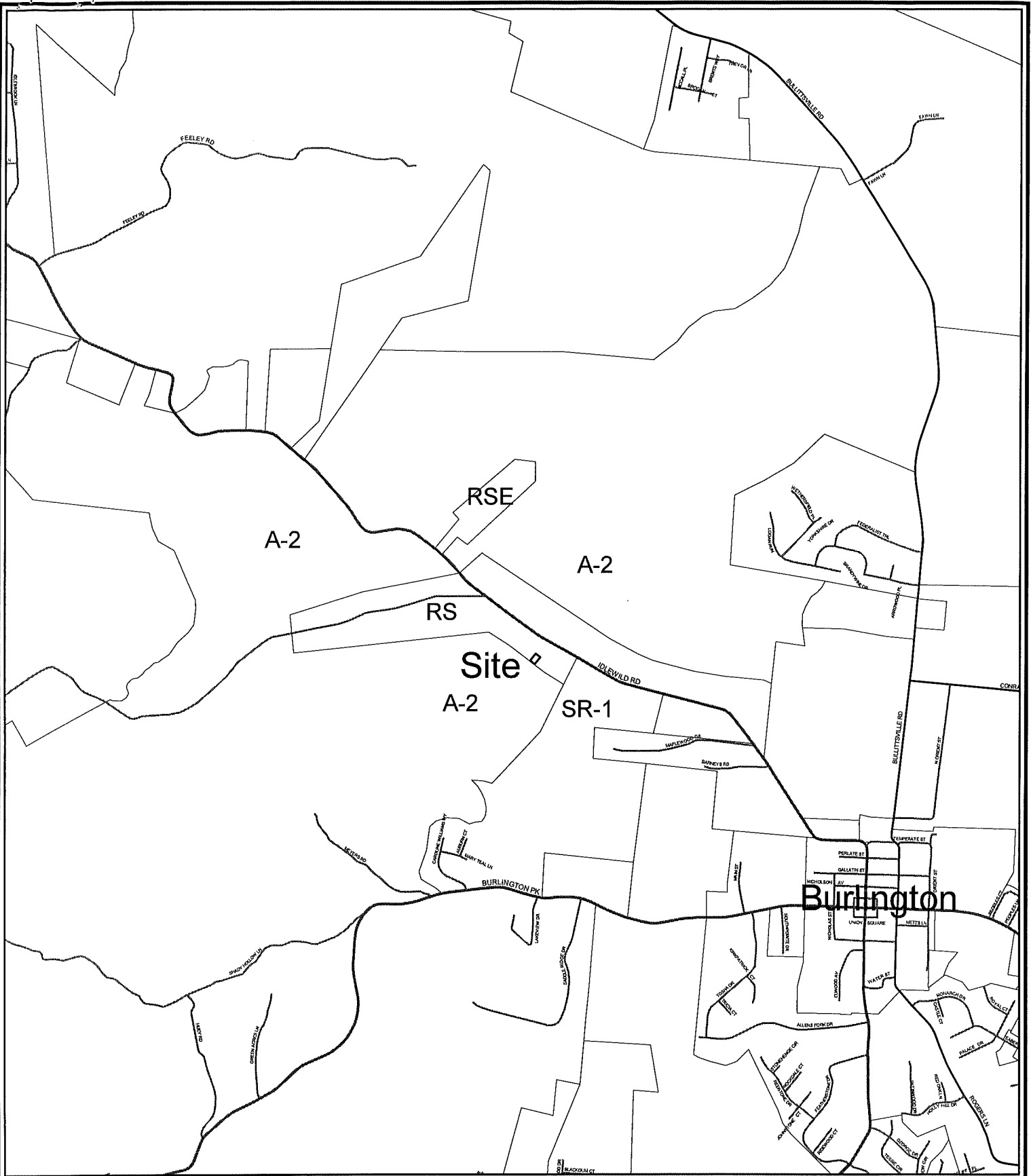


England Property
5309 Idlewild Road

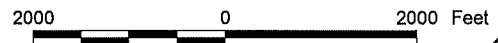


1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 2, 1998





England Property
 5309 Idlewild Road



1 inch equals 2000 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 April 3, 1998



COPY

CLUR # 98-BCBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Phyllis A. England
5309 Idlewild Road
Burlington, Kentucky 41005

ADDRESS OF PROPERTY
5309 Idlewild Road
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Meeting/Banquet Facility

DEED BOOK: 281 PAGE NO.:261 GROUP NO.:2024

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

- Zoning Map Amendment: From _____ To _____
- Conditional Use Permit
- Development Plan
- Conditional Zoning
- Subdivision Plat
- Other: _____
- Variance

5. 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



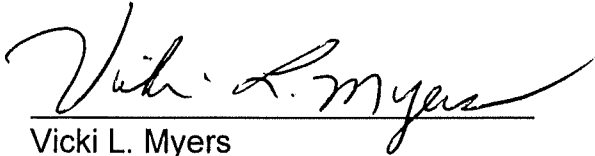
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 29th day of April 1998.

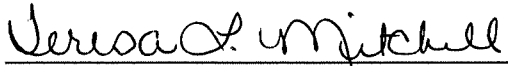


Vicki L. Myers
Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
Teresa L. Mitchell
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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of April 8, 1998 Certificate of Land Use Restriction (# 98-BCBOA -005-A), for Phyllis A. England, property Owners

The following conditions will apply: 1). The driveway is to be centered on the site between the two existing driveways on Idlewilde Road.

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

described in: DEED BOOK 281

PAGE NO. 261

Group No. 2024