

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) Boone [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____
3. Applicant's Name KRISTY & DANNY SCHALLIC
Phone Number 283 1850 WK 742 2511 Fax No. 283 1863
Applicant's Address 204 BURGESS LANE FLORENCE KY 41042
4. Description of Request: Conditional use; Restaurant including liquor license
5. Name of Development N/A Toulsey House
6. Location of Development 115963 N. Jefferson St Burlington, KY 41005 Rest.
7. Acreage Under Review See Deed attached
8. Lot Number and Name of Subdivision (if part of a subdivision) BN 1 5.9
9. Owner of Property BRUCE FERGUSON
Phone Number of Owner 384-7539
Address of Property Owner 2142 HATHAWAY RD UNION KY 41021
10.
11. Proposed Use(s) on Site OPERATE RESTAURANT INCLUDING LIQUOR LICENSE
12. Total Square Footage of Existing and/or Proposed Buildings 3472
13. Current Zoning on Property
14. Deed Book 357 Page No. 11 Group No. 195 2024
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: [Signature]

Property Owner's Signature: [Signature]

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 July 21, 1998 Fee Received 432.⁰⁰ R# 17567
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer Ed Clement
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes From Public
Hearing Dated 8/12/98
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: Kristy and Danny Schalck
LOCATION: 5963 N. Jefferson Street, Boone County, (Burlington), KY
ZONING: Suburban Residential Two/Small Community (SR-2/SC)
DATE: August 12, 1998

Proposal

The applicant is requesting a Conditional Use Permit to allow a restaurant in an existing building in the Small Community (SC) overlay district of Burlington. The intent of the Small Community (SC) overlay district is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community.

The proposed use of the building as a restaurant is a conditional use within the Small Community (SC) overlay district due to the building being larger than 2,500 square feet in area and because the use requires more than 6 parking spaces.

The use may be permitted by the Boone County Board of Adjustment provided that:

1. The activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
2. The arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and
3. Historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the small community overlay.

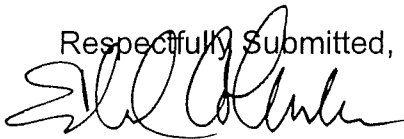
Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

The site currently contains 6 parking spaces behind the building in back of the site and approximately 12-15 parking spaces in front of the building along both sides of North Jefferson Street. Additional parking spaces may be accommodated by the parking lot behind the administration building. Approval to use the county parking lot has been given Jim Collins, the County Administrator.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow a restaurant at 5963 North Jefferson Street in Burlington. It is Staff's opinion that the proposed Conditional Use Permit 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. Staff is of the opinion that the proposed use will be a benefit and asset to the community. The Board should base its decision on the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the criteria for a Conditional Use within a Small Community (SC) overlay district.

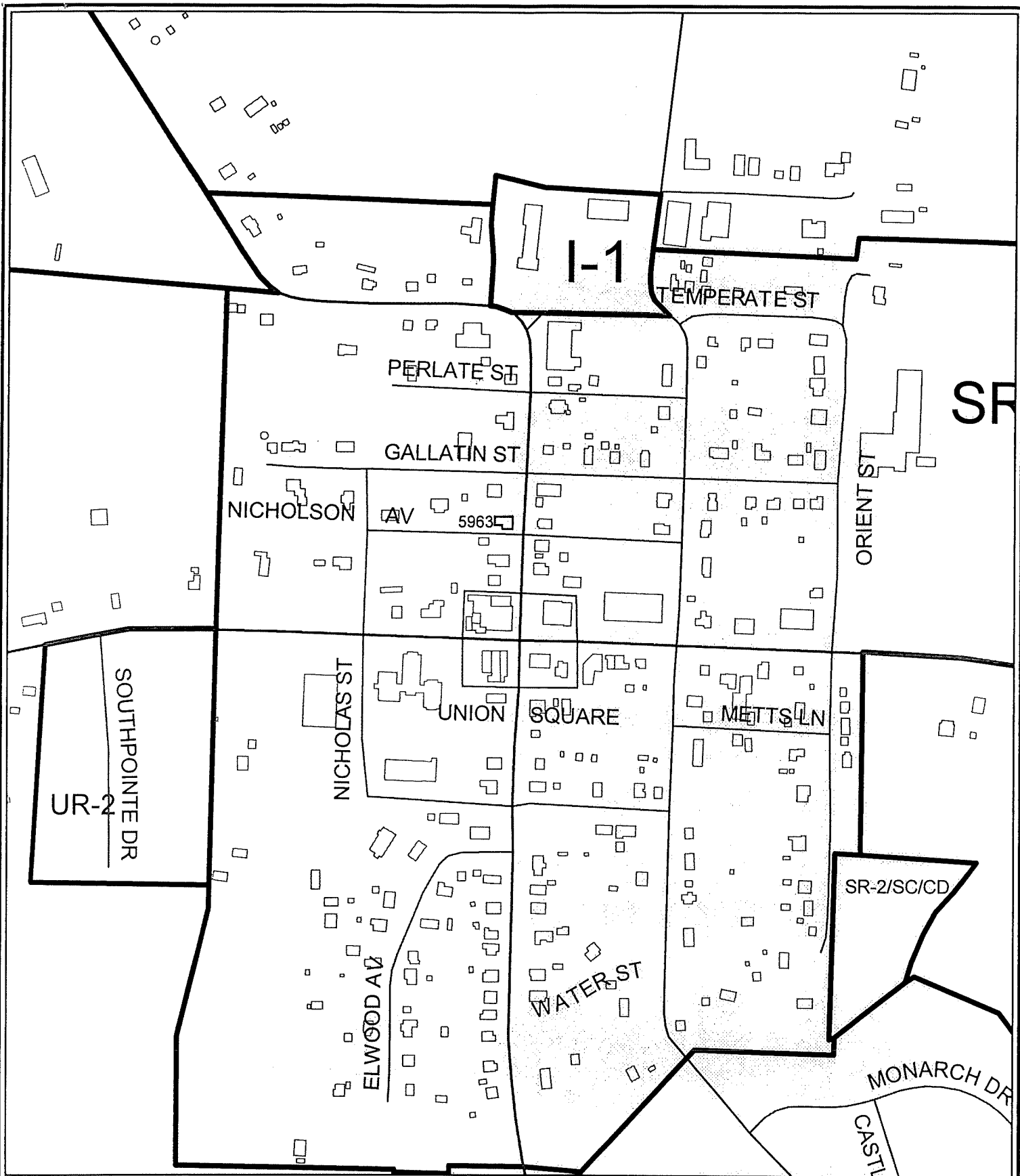
Respectfully Submitted,



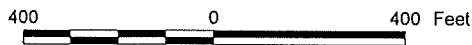
Edward Coleman
Planner

EC\pr

Attachments
-Location Map
-Aerial Photo
-Site Plan



5963 N. Jefferson St.
 Burlington, KY



1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 7, 1998





5963

N. Jefferson St.

Burlington Pike (Hwy 18)

5963 N. Jefferson
Burlington, KY

100 0 100 Feet

1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 7, 1998

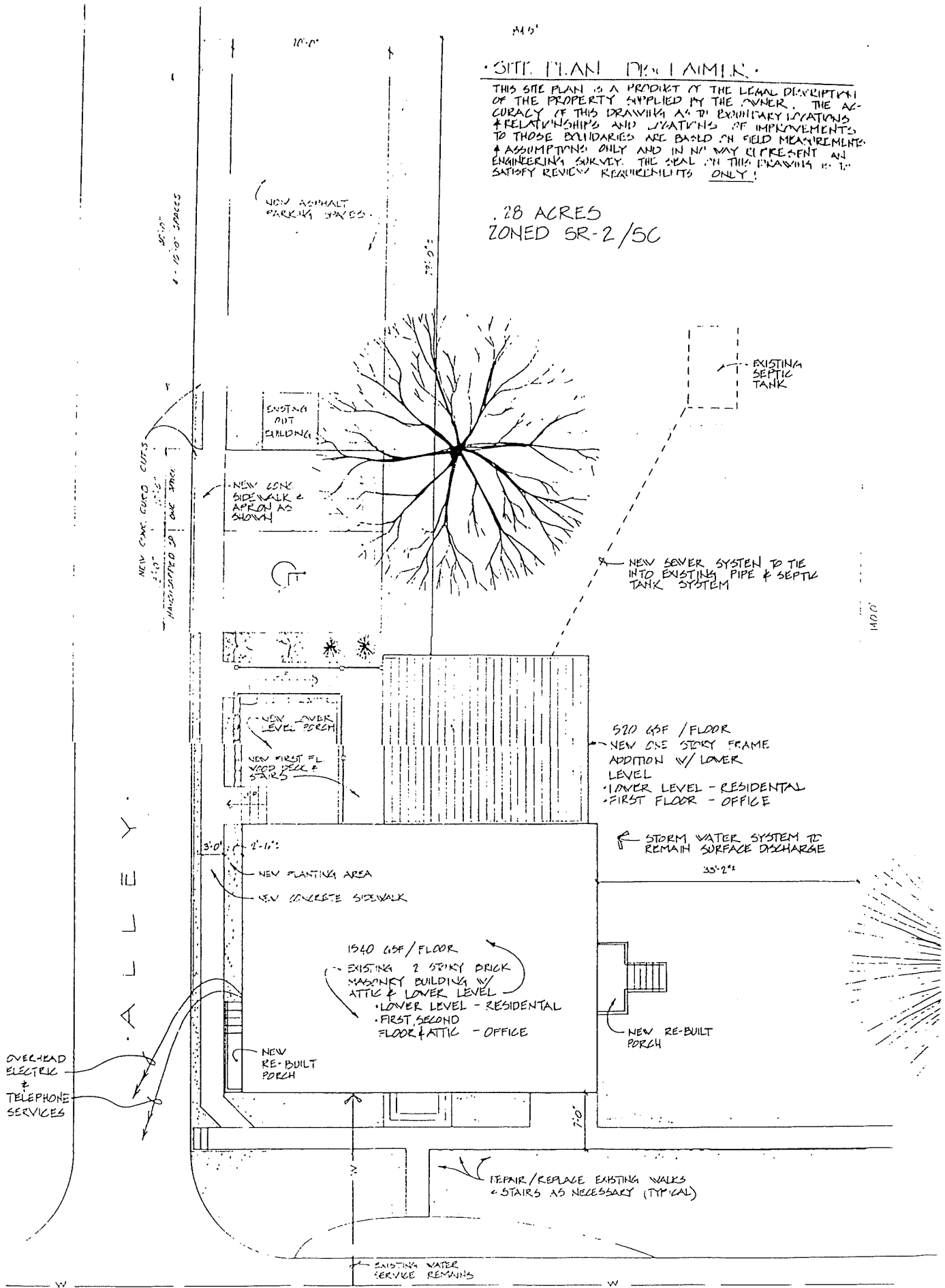


445'

SITE PLAN PER PLANNING

THIS SITE PLAN IS A PRODUCT OF THE LEGAL DESCRIPTION OF THE PROPERTY SUPPLIED BY THE OWNER. THE ACCURACY OF THIS DRAWING AS TO EXHIBITARY LOCATIONS & RELATIONSHIPS AND LOCATIONS OF IMPROVEMENTS TO THOSE BOUNDARIES ARE BASED ON FIELD MEASUREMENTS & ASSUMPTIONS ONLY AND IN NO WAY REPRESENT AN ENGINEERING SURVEY. THE SEAL ON THIS DRAWING IS TO SATISFY REVIEW REQUIREMENTS ONLY!

**.28 ACRES
ZONED SR-2/50**



SP-B (U)	A-1
SP-B (L)	

SITE PLAN
SCALE: 1/8" = 1'-0"

BURLINGTON IDEMILD ES-

COPY

CLUR # 98-BCBOA-015-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Bruce Ferguson
2142 Hathaway Road
Union, Kentucky 41042

ADDRESS OF PROPERTY
5963 N. Jefferson St
Boone County, Kentucky

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)
Restaurant

DEED BOOK: 357

PAGE NO.: 11

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 (Not Recorded) 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

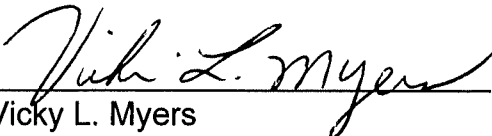
Edward Coleman
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

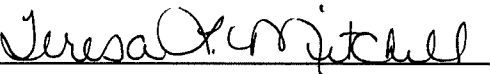
Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 26th day of August 1998.



Vicky 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
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 August 12, 1998 Certificate of Land Use Restriction (# 98 BCBOA -015-A), for Bruce Ferguson, Property Owners

The following conditions will apply: 1). That the historic and architectural characteristics are protected from inappropriate alterations.

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

described in: DEED BOOK 357

PAGE NO. 11

Group No. 2024