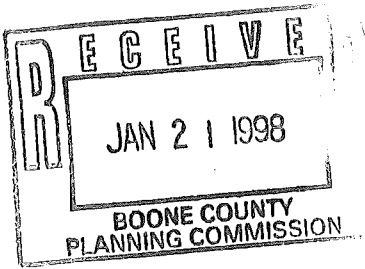


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

(Check One)

- 1. [X] Boone [] Florence [] Walton [] Union

(Check One)

- 2. [X] Conditional Use Permit [] Variance [] Appeal [] Change in Non-Conforming Use

3. Applicant's Name MITCH & TERESA PENNINGTON Phone Number 606-586-9279 Fax No. Applicant's Address 3058 CARIBOU DRIVE BURLINGTON, KY 41005

4. Description of Request: BED & BREAKFAST IN EXISTING HOME 2000sq

5. Name of Development DOE VALLEY ESTATES

6. Location of Development 3058 CARIBOU DRIVE BURLINGTON, KY 41005

7. Acreage Under Review 4.95 (LOT 27 2.377 + LOT 28 2.573)

8. Lot Number and Name of Subdivision (if part of a subdivision) LOT 27 & 28 DOE VALLEY ESTATES SECTION 2 PLAT 25B

9. Owner of Property MITCH & TERESA PENNINGTON

Phone Number of Owner 606-586-9279

10. Address of Property Owner SAME AS ABOVE City State Zip

11. Proposed Use(s) on Site BED & BREAKFAST

12. Total Square Footage of Existing and/or Proposed Buildings 2000sq FT

13. Current Zoning on Property A-2

14. Deed Book 17 Page No. 45 Group No. PLAT 25B GROUP 1762

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? SEE ATTACHED

17. Have you submitted a list of adjoining property owners with this request? SEE ATTACHED

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]

(over)

PC 392 P. 238

LOT 27 & 28

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 1-21-98 Fee Received \$476.00 R# 15733
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer Edward Colman
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: _____

**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: Mitch and Teresa Pennington, property owners
LOCATION: 3058 Caribou Drive, Boone County, Kentucky
ZONING: Agricultural Estate (A-2)
DATE: February 11, 1998

Proposal

The applicants are requesting a Conditional Use Permit for the purpose of operating a bed and breakfast inn within their residence. The property is located at 3058 Caribou Drive, approximately 1.5 miles west of Idlewild Road on KY 20 (Petersburg Road), Boone County, Kentucky. The 2,000 square foot residence is located on Lot 27 in Doe Valley Estates. The applicants also own Lot 28 which is adjacent with Lot 27. The two lots combined total 4.95 acres. The property is zoned Agricultural Estate (A-2). A description of the property is recorded in deed book 392 pages 238 and 239.

The Boone County Zoning Regulations defines a *bed and breakfast inn* as:

"An operator occupied dwelling unit where short term lodging rooms and meals are provided for compensation on a small scale."

Article 6 "Agricultural Districts," Section 623 of the Boone County Zoning Regulations, permits bed and breakfast inns as conditional uses within an Agricultural Estate (A-2) zoning districts. The Board must use the following criteria from Sections 623 in addition to the seven criteria in Section 262 of the Boone County Zoning Regulations to determine if a Conditional Use Permit for the applicants request is appropriate. In order to approve the applicants request, the Board shall find that:

1. The activity is an integral part of the agricultural or residential use of the land; and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or
2. the activity is necessary to provide the specified public service for the residents of the district 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; and
3. provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning

The property is part of the Doe Valley Estates subdivision. The subdivision is zoned Agricultural Estate (A-2). The property adjoins other residences within Doe Valley Estates to the north, south, and west. The property east of the site is also zoned Agricultural Estate (A-2). The subdivision is characterized by single family detached houses on lots of two acres or greater.

Staff Concerns and Comments

1. If the request is approved by the Board, a site plan will be required to be submitted and approved by the Boone County Planning Commission Staff.

Conclusion

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 outlined in Article 2, Section 262 of the Boone County Zoning Regulations, and the criteria for a Conditional Use within an Agricultural Estate (A-2) zoning district.

Respectfully Submitted,

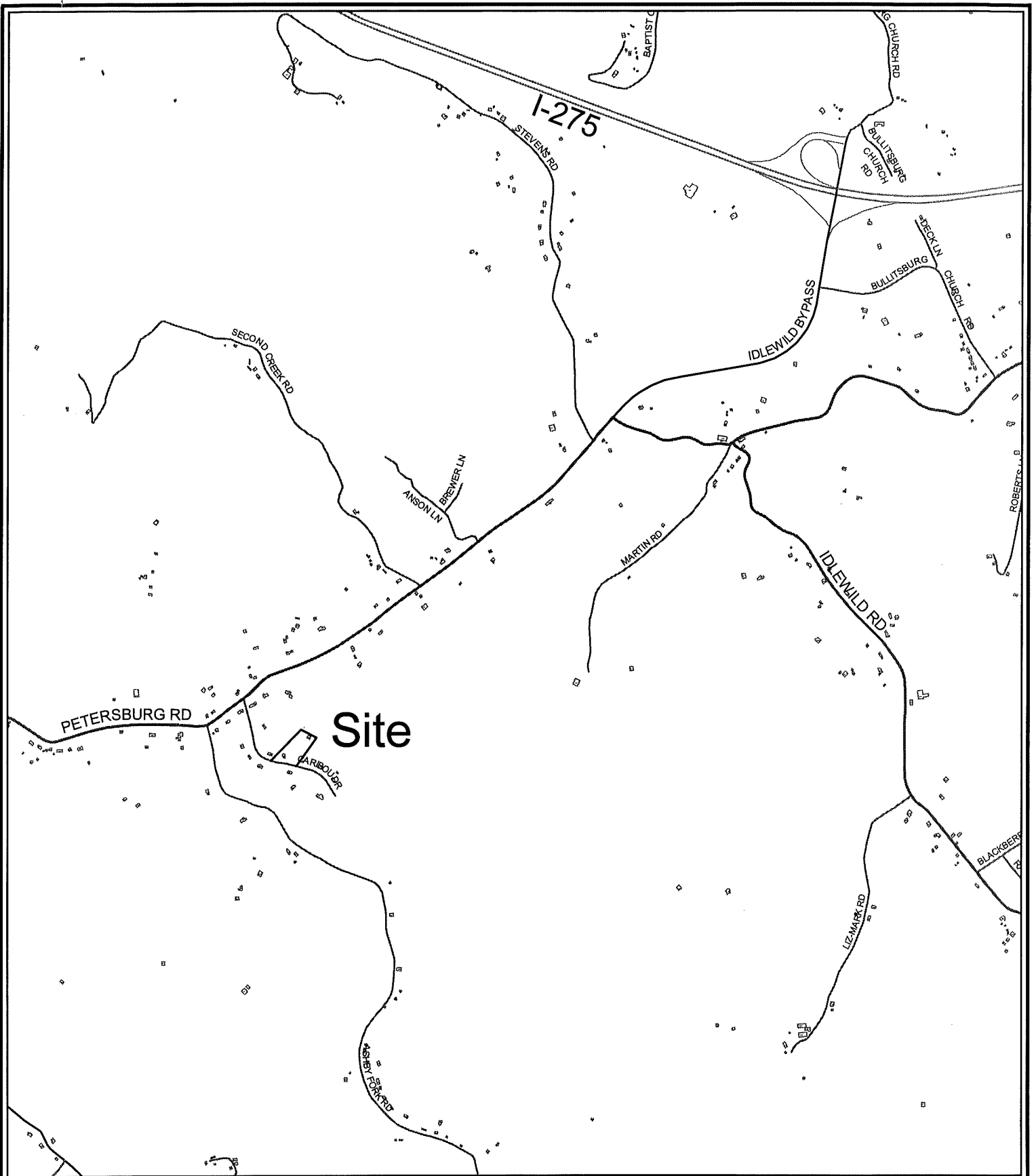


Edward Coleman
Planner

EC\par

Attachments

- Location Map
- Site Map
- Subdivision Plat
- Zoning Permit

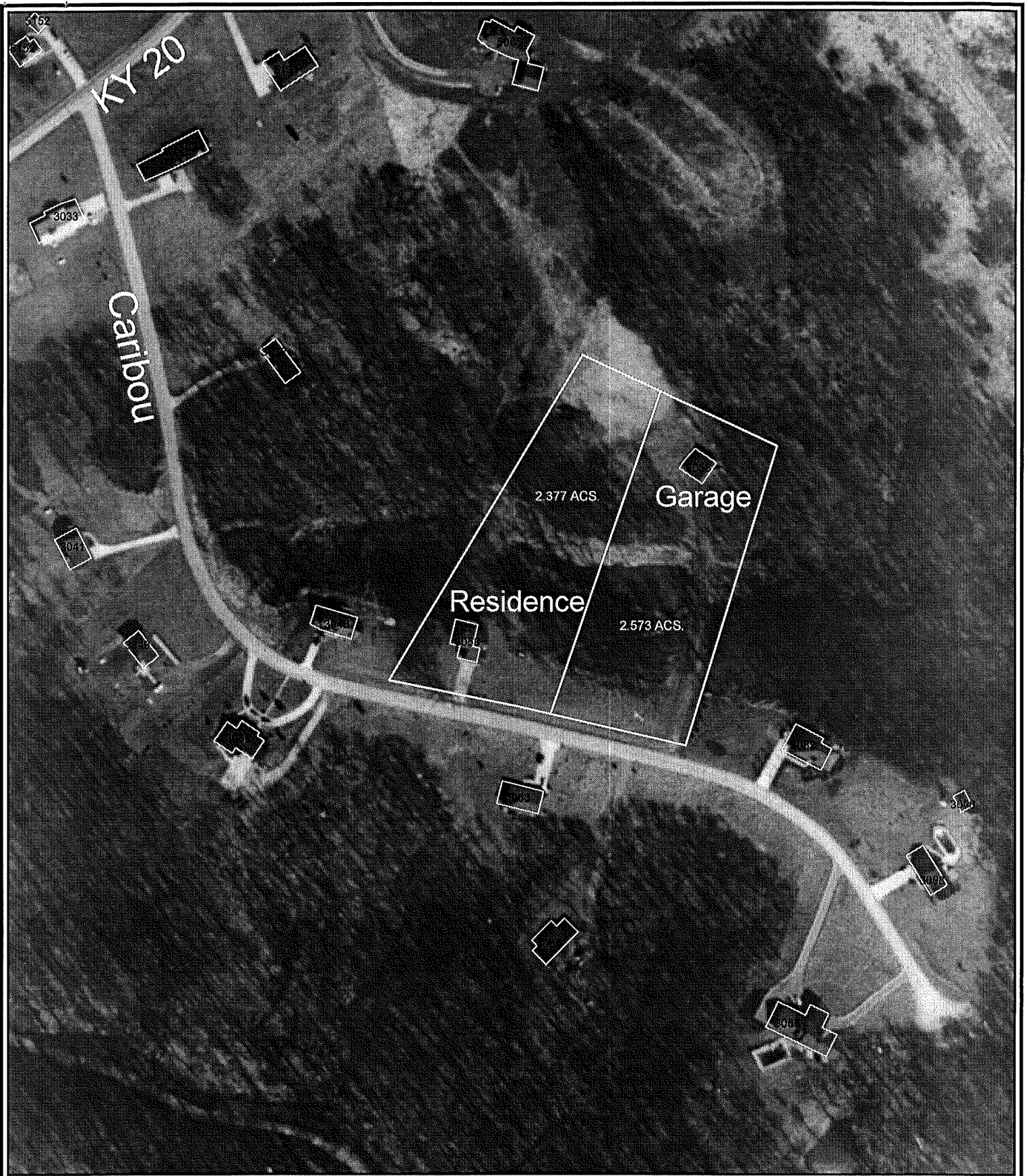


Pennington Property 3058 Caribou Drive

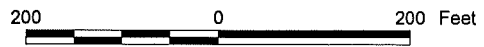
1900 0 1900 Feet

1 inch equals 1900 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 6, 1998





Pennington Property 3058 Caribou Drive



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 6, 1998



SITE PLAN

Harriet ...
 DIRECTOR OF PUBLIC WORKS
 BESSMAN'S
 S 60° 29' 43" E 648.89'
 DATE 10/28/87

SECTION 2

MAP 1-2600

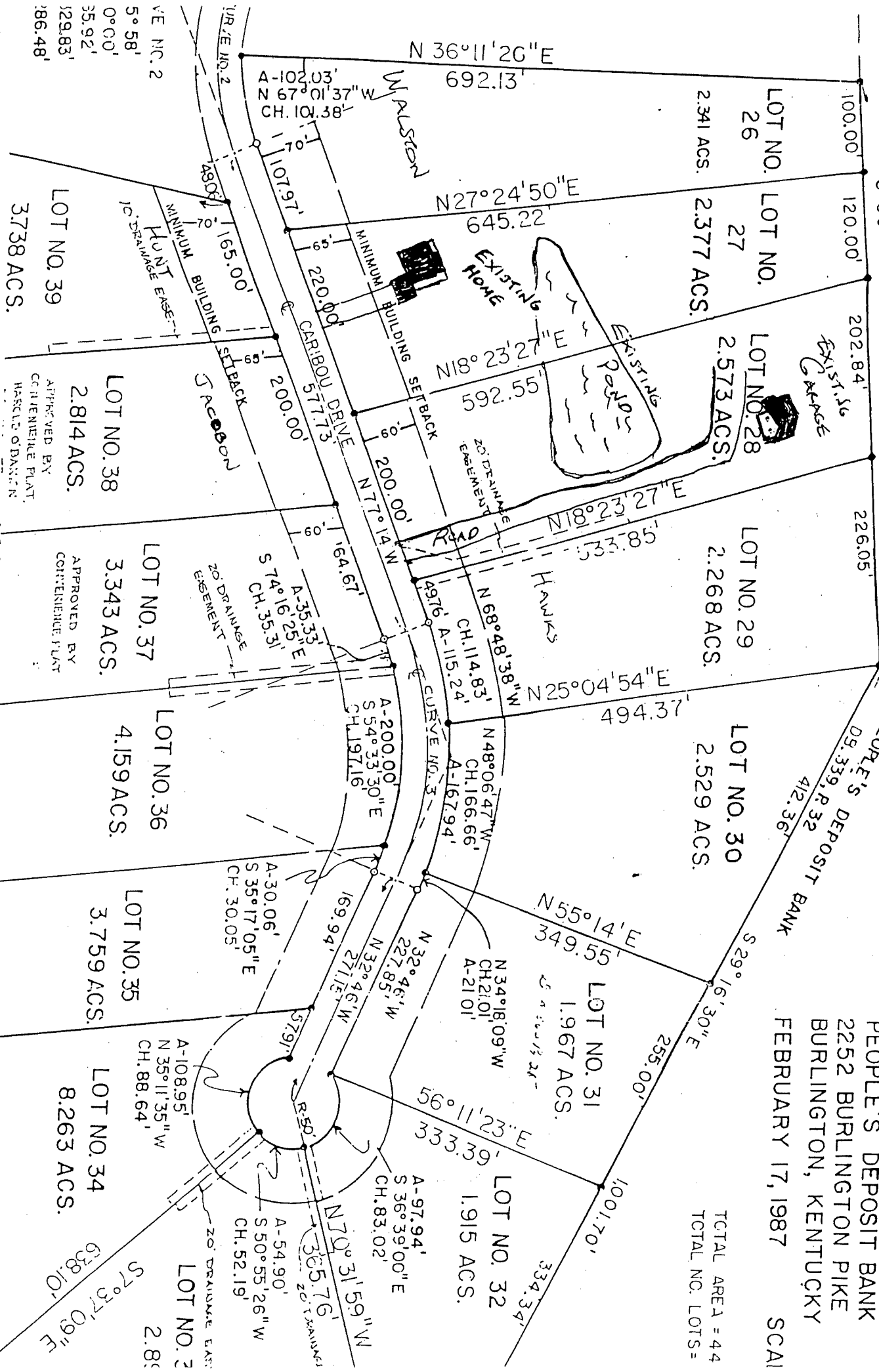


PEOPLE'S DEPOSIT BANK
 D9.339, R.32
 412.36'

BOONE COUNTY KEI
 KENTUCKY HWY. 20 AND CAR
 PEOPLE'S DEPOSIT BANK
 2252 BURLINGTON PIKE
 BURLINGTON, KENTUCKY
 FEBRUARY 17, 1987

SECTION 1 WU

TOTAL AREA = 44
 TOTAL NO. LOTS =



VE N.C. 2
 5° 58'
 0° 00'
 35.92'
 129.83'
 186.48'

CITY/COUNTY OF HEBRON/KY

PLAN NUMBER
DO NOT WRITE IN THIS SPACE

BUILDING LOT
Has deed for this lot been recorded? YES NO
If answer is NO, approval of Planning Commission is necessary before lot can be recorded.

BUILDING DEPT.
PERMIT APPLICATION FOR:
NEW BUILDING, ADDITION, ALTERATION
REPAIR, WRECKING, MOVING.

APPLICANT - Complete all applicable spaces on this form side
1. Street and number location 3058 CARIBBEAN DRIVE Zip Code 41005
2. (a). N S E W side of 3058
(b). _____ feet, N S E W, from its intersection with _____ Lot Number (27) + 28
(c). Subdivision Doc Valley Est S/D Section _____

3. IDENTIFICATION	NAME	STREET ADDRESS	CITY	STATE	ZIP CODE	PHONE NO.
OWNER	MITCH PENNINGTON	1573 NORTH BEND RD	HEBRON	KY	41048	586-9279
CONTRACTOR						
ARCHITECT						

ALL APPLICANTS COMPLETE A THROUGH D

- A. TYPE OF IMPROVEMENT
- 1. New Building
 - 2. Addition - Enter number of dwelling units _____
 - 3. Alteration - Enter number of dwelling units added _____ or deducted _____
 - 4. Repair, replacement
 - 5. Wrecking (demolish) enter number of dwelling units deducted _____
 - 6. Moving
 - 7. Other _____
(SPECIFY)
Describe briefly proposed work: S.F.R. Two-story

- D. TYPE OF USE
- RESIDENTIAL
- 11. One family
 - 12. Two family
 - 13. Three family
 - 14. Four or more family
Enter number of units _____
 - 15. Transient Hotel or Motel
Enter number of units _____
 - 16. Accessory Garage Mobile Home
 Car Port Tool Shed
 - 17. Swimming Pool
 - 18. Other _____

- NON-RESIDENTIAL
- 19. Amusement, recreation, place of assembly
 - 20. Church, other religious building
 - 21. Industrial, storage building
 - 22. Parking Garage
 - 23. Accessory Garage
 Car Port Tool Shed
 - 24. Service Station, repair garage
 - 25. Hospital, institution, nursing home
 - 26. Office, bank, professional
 - 27. Public works, utility building
 - 28. School, college, other educational
 - 29. Store, other mercantile, restaurant
 - 30. Swimming Pool
 - 31. Tank, tower, sign structure
 - 32. Other _____
 - 33. Number of units _____

- B. OWNERSHIP
- 8. Private
 - 9. Public (Federal, State, Local)

C. COST (Omit Cents)

10. Estimated cost of improvement for which this application is being made: \$ 65,000.00

State all existing and proposed uses of this building and premises:
RESIDENCE

COMPLETE ALL ITEMS IN E FOR NEW BUILDINGS AND ADDITIONS ONLY

- E. PRINCIPAL TYPE OF FRAME
- 34. Masonry (wall bearing)
 - 35. Structural Steel
 - 36. Wood Frame
 - 37. Reinforced concrete
 - 38. Other
 - 39. Is there Central Air Conditioning in this building?
 Yes No
 - 40. Is there an elevator in this building?
 Yes No

- TYPE OF HEATING FUEL
- 41. Gas
 - 42. Oil
 - 43. Coal
 - 44. Electricity
 - 45. Other

- TYPE OF SEWAGE DISPOSAL
- 46. Public Sewer
 - 47. Private system (septic tank, etc.)
R-88131

- TYPE OF WATER SUPPLY
- 48. Public
 - 49. Private (Well, cistern)
- FOR RESIDENTIAL BUILDINGS ONLY
- 50. Number of bedrooms 3
 - 51. Number of bathrooms 2 1/2
 - 52. No. of off-street parking spaces 2
- FOR NON-RESIDENTIAL BUILDINGS ONLY
- 53. Number of off-street parking spaces _____
(a) Enclosed _____ (b) Outdoors _____

The owner of this building and undersigned, do hereby covenant and agree to comply with all the applicable regulations pertaining to building and buildings, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specifications are to the best of their knowledge true and correct.

Application by MITCHELL PENNINGTON Address 1573 NORTH BEND RD
HEBRON, KY 41048

H. 54. Number of stories 2 GAR. 420 122 975 56. Total volume (cubic feet) _____
55. Total floor area, exterior dimensions (additive square feet) 244 1024 57. Total land area (approximate in square feet) _____

I. Plan Examiner's Approval: Signature [Signature] Date 9-21-88
J. Zoning Approval [Signature] Date Permit Issued 9-21-88 Number _____ Permit and Inspection Fee \$ 200.00

BOONE COUNTY PLANNING COMMISSION

A ZONING PERMIT MUST BE ISSUED BEFORE A BUILDING PERMIT CAN BE GRANTED BY THE APPROPRIATE LEGISLATIVE BODY

- 1) A Plot Plan either attached to this Zoning Permit application or one on the reverse side of a building permit application must be submitted for Zoning and Building Permits.
- 2) The Zoning Permit Application shall be submitted in conjunction with a Building Permit Application.
- 3) THE APPLICANT SHALL FILL OUT THE FOLLOWING OR ITEMS 3A TO 3J. A PLOT PLAN MUST INCLUDE THE FOLLOWING, WHERE APPROPRIATE, AND IF NOT SHOWN ON THE FINAL PLAT.

INDICATE ON THE LINES BELOW WHETHER THE FOLLOWING INFORMATION IS SHOWN ON THE PLOT PLAN (PP), FINAL PLAT (FP), OR IS NOT APPLICABLE (NA)

- PP a) Location of all proposed and existing structure(s) including dimensions, height, number and type of dwelling unit.
- PP b) Location of all property lines, shape and dimensions of the lot.
- FP c) Location of all easements (e.g. sanitary sewer, storm sewer, electric, water, telephone, gas, cable t.v., recreational, access, etc.).
- PP d) Measurement of all setbacks (measured from road right-of-way and adjoining properties).
- PP FP e) Location of all streets and rights-of-way.
- NA f) Location and description of sidewalks and walkways.
- NA g) Location and description of any existing or proposed water meters, valve boxes, manholes, junction boxes, headwalls, culverts, catch basins, utility poles, retaining walls, etc.
- PP h) Location and dimensions of all access points, driveways, and number of off-street parking spaces.
- NA i) Location of any fire hydrants.
- PP j) Generally, show the direction of natural drainage.

NAME OF APPLICANT MITCH PENNINGTON

ADDRESS 1573 NORTHBEND ROAD HEBRON KY 41048 PHONE NO. 586-9279

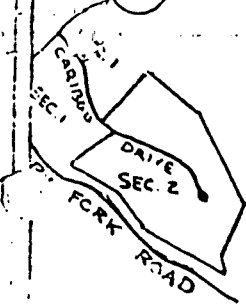
APPLICANT'S SIGNATURE Mitchell Pennington

THIS PORTION OF THE APPLICATION WILL BE FILLED OUT BY THE BOONE COUNTY PLANNING COMMISSION

ZONING DISTRICT A-2 DATE PERMIT ISSUED 9/23/88 PERMIT FEE 1500

STAFF SIGNATURE AND APPROVAL Thos. Stedden

effective 9/14/87
Lot 27, Doe Valley Estates S/D (4 28)



PEOPLE'S DEPOSIT
D.B. 339, F. 32

TY MAP 1"=2000'

S 60° 29' 43" E 648.89'

226.05'

100.00' 120.00'

202.84'

LOT NO. 26
2.341 ACS.

LOT NO. 27
2.377 ACS.

LOT NO. 28
2.573 ACS.

LOT NO. 29
2.268 ACS

PLAT BOOK 14, PAGE 45
LOT 25

N 30° 11' 20" E

692.13

13000

13000

14000

14000

14000
SOLD

37" W
8

N 15° 11' 51" E

645

DRAINAGE

63.55

N 80° 27' 27" E

1180

DRAINAGE

60'

A-11524' 19" W

LEACH BED AREA

200.00'

N 77° 14' W

A 35.33
74° 16' 25"

CURVE NO. 2

49.06'

MINIMUM

CURVE NO. 2

A = 65° 58'
C = 20° 00'
T = 185.92'

LOT NO. 38
2.814 ACS.

LOT NO. 3
3.343 AC

APPROVED FOR
CONVENIENCE P.

RESTRICTIVE COVENANTS FOR DOE VALLEY ESTATES SUBDIVISION

The Grantor herein, Huntington National Bank of Boone County, Inc., its successors and assigns, hereby declares and grants that the lots comprising the Subdivision commonly known as Doe Valley Estates, Section II, shall be and are subject to the following protective covenants and deed restrictions which shall run with said lots and be a charge thereon, against all future owners thereof:

A. There shall be a maximum on one (1) single family unit per lot or per two (2) acres. All dwellings constructed upon said lots shall not contain less than 1,500 square feet of livable floor space on the ground floor of a one story dwelling constructed with a basement; not less than 1,750 square feet of livable floor space on the ground floor of a one-story dwelling constructed without a basement; and not less than 1,800 square feet of livable floor space in all other dwellings containing two stories or more.

B. There shall be no dwelling units of modular construction, no mobile homes and no double-wide house trailers.

C. Log homes must meet all of the standards herein required. Other than log homes must be primarily brick exterior.

D. Any fencing must not be inclusive of front and side yards. Fencing may start at the rear corners of dwelling unit.

E. The following must be located at least thirty (30) feet from the nearest property line and in the rear of the dwelling unit:

1. Outbuildings, including but not limited to garages, sheds, carports, and pet houses.
2. Swimming pools and other recreational installments and equipment.
3. Audio visual equipment, including but not limited to satellite dishes, cable T.V. installments, and antennas which exceed 20' in height.
4. Vegetable gardens.

F. Stationary air conditioning units, pumps and septic tanks must be located on the side or in the rear of the dwelling unit.

Dogs, Cats and Poultry: No animals of any kind will be kept or maintained on the subject real estate herein; except that domestic dogs, cats or other household pets may be kept provided they are not kept or maintained for any commercial purpose, and excepting further that riding horses or ponies may be maintained on the subject real estate as pets and not for commercial uses, excluding sale or breeding. Cows, goats, pigs, hogs, or poultry shall not be kept or maintained on the subject real estate.

H. All lots shall be kept clean of debris, trash and junk.

I. No storage of any type is permitted which is exposed to public view.

* J. No noxious or offensive activity shall be carried on upon a lot, nor shall anything be done or condition exist thereon which may be or may become an annoyance or a nuisance to the neighborhood.

K. The foregoing restrictions may be enforced by the following: Any owner of any interest in any part of the above-described property; any heir, executor, administrator or assign of any such person; or the grantor or the grantor's successors in interest or assigns.

L. Means of enforcement of these restrictions shall include, but not be limited to, injunctive procedures. Failure to enforce any covenant shall not be construed as a waiver thereof.

M. Invalidation of any one or more of these covenants shall have no effect on other covenants and provisions contained herein.

THIS INSTRUMENT PREPARED BY:

[Handwritten signature of Larry J. Criegler]

LARRY J. CRIEGLER
ATTORNEY AT LAW
2995 WASHINGTON STREET
P.O. BOX 169
BURLINGTON, KENTUCKY 41005

(606) 586-9950

Submitted by:

[Handwritten signature of Hollis Gritton]

Hollis Gritton, President
Huntington National Bank of Boone Cty.
November 5, 1987

RETURN TO:

STATE OF KENTUCKY
COUNTY OF BOONE

I, Linda C. McClanahan, a notary public in and for the County and State aforesaid, do certify that the foregoing instrument of writing was this day presented to me, in my county, and then and there acknowledged and delivered by the said Hollis Gritton, President of Huntington National Bank of Boone County, Inc. party thereto, to be his act and deed.

Given under my hand and seal this the 5th day of November, 1987.

My Commission Expires: Aug. 28, 1991

[Handwritten signature of Linda C. McClanahan]
Notary Public

STATE OF KENTUCKY,)
 : SCT.
COUNTY OF BOONE,)

I, JERRY W. ROUSE, CLERK OF THE COUNTY COURT IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WAS, ON THE 6 DAY OF Nov., 19 87, AT 3:46 P. M. LODGED IN MY OFFICE FOR RECORD, WHEREUPON THE SAME, THE FOREGOING, AND THIS CERTIFICATE HAVE BEEN DULY RECORDED IN MY OFFICE.

19 87. GIVEN UNDER MY HAND, THIS THE 6 DAY OF Nov.

JERRY W. ROUSE, CLERK

GENERAL WARRANTY DEED

PROPERTY TRANSFER TAX PAID \$13.00
JERRY W. ROUSE, CLERK JWR

KNOW ALL MEN BY THESE PRESENTS :

THAT

HUNTINGTON NATIONAL BANK OF BOONE COUNTY, a Kentucky Banking Corporation, (formerly Peoples Deposit Bank), acting by and through its Chief Executive Officer, HOLLIS GRITTON, as duly authorized by resolution of said corporation,

for and in consideration of THIRTEEN THOUSAND DOLLARS and 00/100 (\$13,000.00) to it paid by MITCHELL T. PENNINGTON and TERESA G. PENNINGTON, his wife,

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said MITCHELL T. PENNINGTON and TERESA G. PENNINGTON, his wife, jointly, with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever,

the following described real estate, lying and being in Boone County, Kentucky, to-wit:

RETURN TO GRANTEE MAILING ADDRESS 1573 NORTH BEND ROAD, HEBRON KY 41048
PRESENT STREET ADDRESS SAME

GROUP NO. 1762
PLAT BOOK 25B

Being all of Lots No. 27 and 28 of Doe Valley Estates, Section Two, as recorded in Plat Book 25 B of the Boone County Clerk's records at Burlington, Kentucky.

Being a part of the same property conveyed to Peoples Deposit Bank (now Huntington National Bank of Boone County) by deed from C. Wm. Funk, Master Commissioner of the Boone Circuit Court, by deed dated December 5, 1985, and being recorded in Deed Book 339, Page 32 of the Boone County Clerk's records at Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said MITCHELL T. PENNINGTON and TERESA G. PENNINGTON, his wife, jointly, with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, with covenants of general warranty.

IN WITNESS WHEREOF, the said HUNTINGTON NATIONAL BANK OF BOONE COUNTY, a Kentucky Banking Corporation, (formerly Peoples Deposit Bank), acting by and through its Chief Executive Officer, HOLLIS GRITTON, as duly authorized by resolution of said corporation, hereunto sets his/its hand, this the 6th day of September, 1988.

Hollis Grifton
HUNTINGTON NATIONAL BANK OF BOONE COUNTY
BY HOLLIS GRITTON, CHIEF EXECUTIVE OFFICER

STATE OF KENTUCKY
COUNTY OF BOONE

I, Linda C. McClanahan, a notary public in and for the County and State aforesaid do certify that the foregoing instrument of writing from HUNTINGTON NATIONAL BANK OF BOONE COUNTY, a Kentucky Banking Corporation, (formerly Peoples Deposit Bank), acting by and through its Chief Executive Officer, Hollis Gritton, as duly authorized by resolution of said corporation, to MITCHELL T. PENNINGTON and TERESA G. PENNINGTON, his wife, was this day produced to me, in my county, and then and there acknowledged and delivered by the said HUNTINGTON NATIONAL BANK OF BOONE COUNTY, (formerly Peoples Deposit Bank), acting by and through its Chief Executive Officer, HOLLIS GRITTON, as duly authorized by resolution of said corporation, party thereto, to be his/its act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal this the 6th day of September, 1988.

Linda C. McClanahan
NOTARY PUBLIC, STATE-AT-LARGE
MY COMMISSION EXPIRES: Aug 28, 1991

STATE OF KENTUCKY
COUNTY OF BOONE

I, JERRY W. ROUSE, Clerk of the County Court, in and for the County and State aforesaid, do certify that the foregoing instrument of writing from HUNTINGTON NATIONAL BANK OF BOONE COUNTY, a Kentucky Banking Corporation, (Formerly Peoples Deposit Bank), acting by and through its Chief Executive Officer, Hollis Gritton, as duly authorized by resolution of said corporation, to MITCHELL T. PENNINGTON and TERESA G. PENNINGTON, his wife, was this 6 day of September, 1988, produced to me, certified as above, and lodged for record at 3:25 O'Clock P.M. Whereupon the same and this certificate have been duly recorded in my office.

Given under my hand this the 6 day of September, 1988.

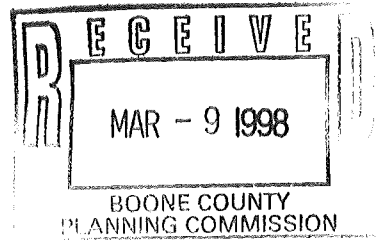
Jerry W. Rouse CLERK
BY Deleue Smart D.C.

THIS INSTRUMENT PREPARED BY:

Larry J. Crisler
LARRY J. CRISLER
ATTORNEY AT LAW
2995 WASHINGTON STREET
P.O. BOX 169
BUKINGTON, KENTUCKY 41005
(606) 586-9950

March 6, 1998

Mitch and Teresa Pennington
3058 Caribou Drive
Burlington, KY 41005



Edward Coleman
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

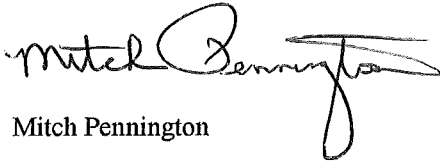
Dear Mr. Coleman,

This letter is in regard to our recent request for a conditional use permit for a bed and breakfast using our home at 3058 Caribou Drive, Burlington, KY.

After the opposition that we received from our neighbors concerning this, we have decided to withdraw our request for a conditional permit to run a B&B using our home.

Thank you for your time and effort in presenting our request to the Boone County Board of Adjustment.

Sincerely,


Mitch Pennington