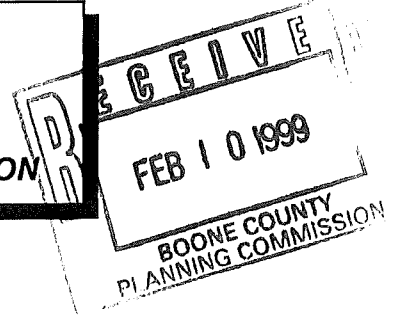


APPLICATION FORM

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)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name The Dress Co % Michael Schoettelkotte
 Phone Number 578-4261 Fax No. 578-4284
 Applicant's Address 21 Grandview Drive
Et. Mitchell, Ky 41017
 City State Zip
 - Description of Request: See attached
 - Name of Development Hearthstone Subd.
 - Location of Development West side of Pleasant Valley Rd (SR 237) generally
between Oakbrook Rd and Thunder Ridge Dr (opposite side.)
 - Acreage Under Review ± 23.5 Acres
 - Lot Number and Name of Subdivision (if part of a subdivision) _____
 - Owner of Property Joe & Sue Kate Berkshire
 Phone Number of Owner 371-5653 10.
 Address of Property Owner 7414 US 42, Florence, Ky 41042
 City State Zip
 - Proposed Use(s) on Site Single Family Residential
 - Total Square Footage of Existing and/or Proposed Buildings N/A
 - Current Zoning on Property RS
 - Deed Book 549 Page No. 280 Group No. 2038
 - Is the site subject to a zone change? No
 If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? YES
 - Have you submitted a list of adjoining property owners with this request? YES
 - 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: Michael Schoettelkotte

Property Owner's Signature: Joseph C Berkshire

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 2-10-99 Fee Received \$810.00 R# A430
2. Is application complete? Yes No
3. Staff Reviewer Kaiss Lowry
4. Scheduled Board Action Date 3/16/99 6:30 AM
5. Board Action:

Approved

Approved with Conditions (See #6)

Denial (See #7)

6. Conditions of Approval: Both variances approved.

Fence to be 8 feet in height and it will
A wooden fence consistent with the setback
like rest of the sub-

7. Reasons for Denial: division.

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: The Drees Company

LOCATION: In Hearthside Subdivision on the west side of the Pleasant Valley Road/Jamestown Court intersection immediately south of 7501 Pleasant Valley Road, Boone County, Kentucky

ZONING: Rural Suburban (RS)

Date: March 10, 1999

Proposal

The applicant is requesting a variance to allow a reduction of the required front, rear, and side yard setbacks for approximately 48 lots within the Rural Suburban (RS) zone and a variance to allow an increase in the required height of a fence from 6 feet to 8 feet. The property is an undeveloped site of approximately 23.5 acres. The property is located along the south west side of Pleasant Valley Road (SR 237) generally between Oakbrook Road and Thunder Ridge Drive (on the opposite side of SR 237). The site is across from the intersection of Pleasant Valley Road and Jamestown Court. The applicant desires to reduce the front, rear and side yard setback requirements for all lots in the development that are zoned as Rural Suburban (RS) to match the setback requirements of the Suburban Residential One (SR-1) zone.

	RS Zone Setbacks	SR-1 Zone Setbacks
Front	40	30
Rear	40	30
Side Yard	10	5 Min. – 15 total

Article 37, Section 3755 of the Boone County Zoning Regulations states that for the unincorporated portions of Boone County, the maximum height for fences within residential zones is six (6) feet and fences shall be required to be located within the side or rear yards. The proposed fence will extend for a distance of approximately 360 feet along the north property line as measured off Pleasant Valley Road.

The applicant submitted the following exhibits with the application:

- Exhibit A – Attachment to Application
- Exhibit B – List and Map of Adjacent Property Owners
- Exhibit C – Copy of deed for subject property
- Exhibit D – Site plan of Hearthstone Subdivision Phase A

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The definition of “structure” in Article 40 of the Boone County Zoning Regulations is as follows: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures includes buildings, mobile homes, walls, fences, satellite dishes and billboards.

The Board should evaluate the applicant’s request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance 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. In making these findings, the Board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Surrounding Land Uses and Zoning

The Rural Suburban zone extends in a strip along Pleasant Valley Road. The land across the road (north east) is zoned Suburban Residential One (SR-1) and the land to the south and west of the site is also zoned Suburban Residential One (SR-1). The land to the east along Pleasant Valley Road is zoned Rural Suburban (RS). The land adjacent to the site to the north west along Pleasant Valley Road (same side) is zoned Rural Suburban Estates (RSE). There is one single family home adjacent to the site in the Rural Suburban Estates (RSE) zone. There are developed subdivisions with single family homes across Pleasant Valley road to the north east (Bluegrass Ridge and Thunder Ridge) and on the same side of Pleasant Valley Road to the south east (Pleasant Valley Meadow Subdivision). The subject property and remaining surrounding land is undeveloped agricultural land.

The proposed fence will be located along the north west corner of the site perpendicular to Pleasant Valley Road between the subject property and the single family home in the Rural Suburban Estates (RSE) zone. See Exhibit D for the proposed location of the fence.

Staff Concerns/Comments

1. The applicant has stated that the proposed lots will meet or exceed the lot frontage (width) requirement of 75 feet and the minimum lot size requirement of 12,000 square feet for the Rural Suburban (RS) zone.
2. The zone district line bisects the land proposed to be developed. This will place lots in the same subdivision in different zones. Some proposed lots would be in portions of both the Suburban Residential One (SR-1) and Rural Suburban (RS) zone.
3. The majority of the subdivision is zoned Suburban Residential One (SR-1).
4. The rear of the lots along Pleasant Valley Road will have the same setback (30) feet as the lots on the opposite side of Pleasant Valley Road as the Bluegrass Ridge and Thunder Ridge subdivisions are zoned Suburban Residential One (SR-1). This will allow consistency on both sides of the road.
5. The property to the north west of the subject property is a single family home. There are several vehicles including a tractor trailer and pontoon boat stored on this property in the vicinity of the subject property. This storage area is somewhat unsightly.
6. The increase in height of the proposed fence will allow the storage area to be better screened from the view of the new lots. There is a pull off for utility access along Pleasant Valley Road near the location of the proposed fence. As long as the fence does not extend into the public right-of-way or obstruct the sight triangle for motorists using the utility access entrance, it should not create a safety concern.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for front, rear and side yard variances as well as a variance in the height of the proposed fence. The requested variance is to reduce the required front, rear and side yard setbacks to match those of the Suburban Residential One (SR-1) district. The requested variance for the fence is to increase the maximum height from six feet to eight feet. It is the staff's opinion that granting the variance 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,



Kristen M. Lowry, AICP

Attachments

- Location Map
- Site Map
- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D



EAST BEND RD

239

Dues Site *

237

Limburg

PARK WEST

MARY E. LEM
BOONE COUNTY
WATER DISTRICT

BOONE COUNTY
COOPERATIVE
EXTENSION
CENTER

MARY E. LEM
BUILDING

CAMP ERNST
LIMBURG

ST. JAMES
CATHEDRAL

ST. JAMES
CATHEDRAL

ST. JAMES
CATHEDRAL

ST. JAMES
CATHEDRAL

ST. JAMES
CATHEDRAL

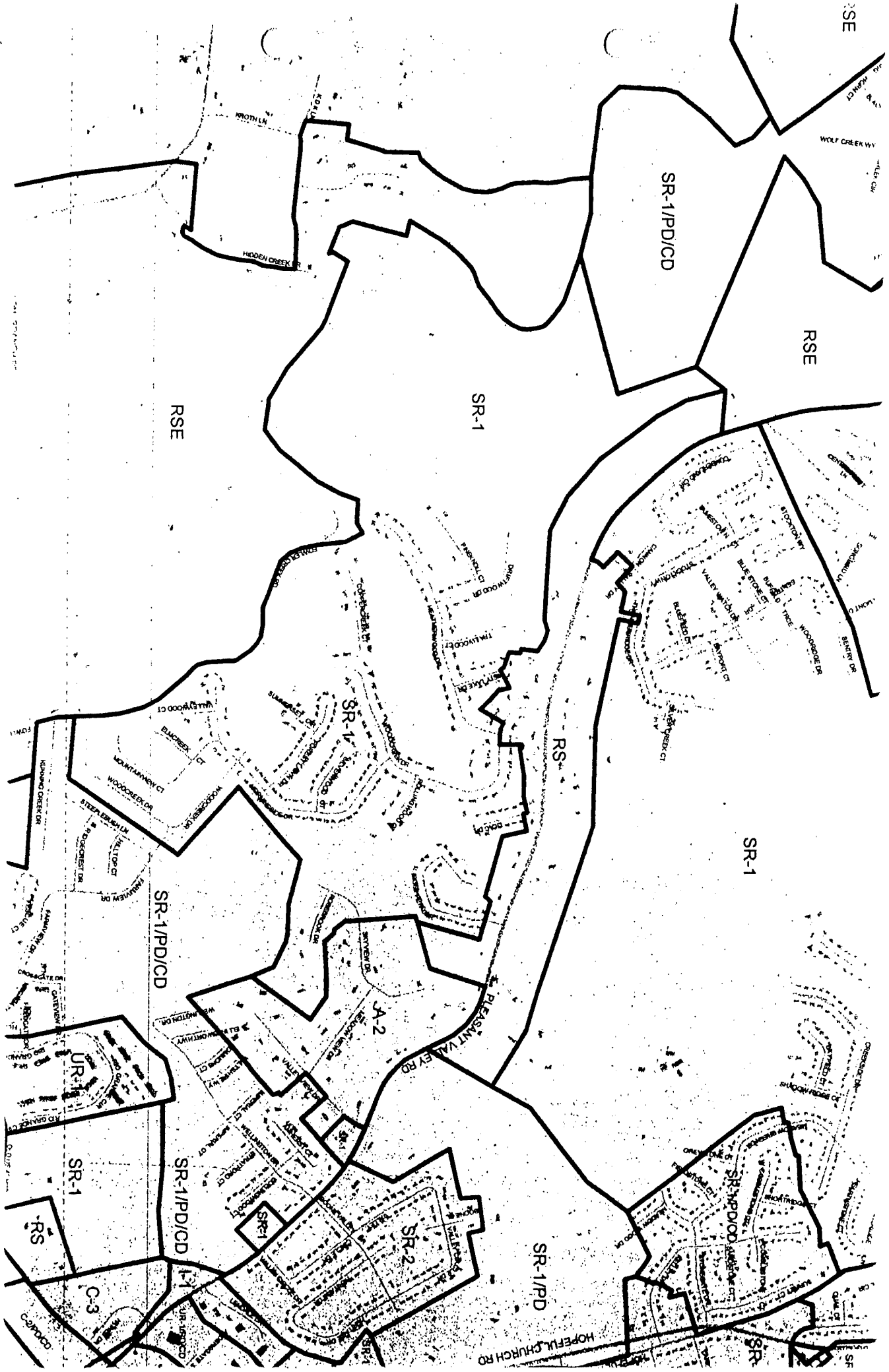
ST. JAMES
CATHEDRAL

ST. JAMES
CATHEDRAL

ST. JAMES
CATHEDRAL

ST. JAMES
CATHEDRAL

ST. JAMES
CATHEDRAL



**ATTACHMENT TO DREES COMPANY
APPLICATION FOR VARIANCE FOR
HEARTHSTONE SUBDIVISION**

PART 1

The Drees Company requests that the Board of Adjustment grant a variance for all lots in the subject property that are zoned RS (Rural Suburban District) such that the setback requirements (front, sides and rear) are in compliance with that of the SR-1 (Suburban Residential One District). Specifically the setbacks requested are:

- Front – 30'
- Side – 5' min and 15' total
- Rear – 30'

Basis

1. All RS zoned lots meet or exceed the lot width and square footage requirements of the RS District.
2. The zone district line bisects lots and streets placing the same or adjacent lots in two different districts creating confusion and inconsistency as to requirement for setbacks.
3. The majority of the subdivision is zoned SR-1 and said variance would create consistency in the subdivision.

PART 2

The Drees Company requests that the Board of Adjustment grant a variance for an increase in the height of a fence from 6 feet to 8 feet, for a distance of approximately 360 feet along the north property line as measured off Pleasant Valley Road.

Basis

1. A screening fence is necessary to visually separate the proposed single family homes from the vehicle repair/storage on the adjacent property immediately to the north.
2. The topographical relationship of the Hearthstone site to the adjacent property requires a height of 8 feet to screen the rear yard of the proposed single family homes.

PROPERTY INFORMATION
PLEASANT VALLEY ROAD
ADJACENT TO BLUEGRASS RIDGE

MAP APN	OWNER	ADDRESS	ZONE	TYPE	LEGAL
50C-31	BEALE, JEAN D	7377 CUMBERLAND CIRCLE	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 3 #12
50-17B	EAST KY POWER COOPERATIVE INC	P O BOX 707	WINCHESTER, KY 40392-0707	EXM	PLEASANT VALLEY 2.695 AC
50-18	BRUEGGEMANN, MICHAEL A	2750 BEAVER RD	UNION, KY 41091	RES	PLEASANT VAL RD, 1.459 AC
50C-30	SCHIEBEN CO	8080 STELEN DR	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 3 #10
50C-16	RYLAND GROUP, INC	9600 GOVERNOR'S HILL DR	CINCINNATI, OHIO 45249	RES	BLUEGRASS RIDGE SEC 3 #11
50C-15	SCHWARTZ, JAMES E &	7389 CUMBERLAND CR	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 2 #9
50C-14	POORE, GREGORY J	7361 CUMBERLAND CIR	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 2 #8
50C-13	HOLLAND, TIMOTHY A & KARIL	7357 CUMBERLAND CR	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 2 #7
50C-12	CROME, DUANE D & MICHELLE A	7353 CUMBERLAND CIR	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 2 #6
50C-11	BUSWELL, LEE M & JULIA E	7349 CUMBERLAND CIRCLE	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 2 #5
50C-10	SCHUMPF, EDWARD R & BONNIE M	7345 CUMBERLAND CIR	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 2 #4
50C-9	CANTRELL, TALMADGE C	7341 CUMBERLAND CIR	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 2 #3
50C-2	GHANTA, UJALA V	7337 CUMBERLAND CIR	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 1 #2
50C-1	FORNASH, CHARLES JAMES	7333 CUMBERLAND CIR	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 1 #1
50C-3	ELLIS, WILLIAM C & AMIE R	7501 CUMBERLAND CIRCLE	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 1 #41
50C-4	RYLAND GROUP, INC			RES	BLUEGRASS RIDGE SEC 1 #40
50C-5	HOYT, DAVID K & DEVIVO, NORMA	7493 CUMBERLAND CIRCLE	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 1 #39
50C-6	LOCKE, STEPHEN & LAUREN	7488 CUMBERLAND CIRCLE	FLORENCE, KY 41042	RES	BLUEGRASS RIDGE SEC 1 #38
50G-73	ARLINGHAUS BUILDERS INC	140 BARNWOOD DR	EDGEWOOD, KY 41015	RES	THUNDER RIDGE SUB SEC 4 #4
50G-72	ARLINGHAUS BUILDERS INC			RES	THUNDER RIDGE SUB SEC 4 #3
50G-18	ARLINGHAUS BUILDERS INC			RES	THUNDER RIDGE SUB SEC 1 #18
50-25	HOFFMAN, TANIERA L	7421 PLEASANT VALLEY RD	FLORENCE, KY 41042	RES	PLSANT VLY RD 2.25 AC

19 NOTIFICATIONS



Exhibit C

8877

BOOK 549 PAGE 280 DEED

RETURN TO:
KENTUCKY LAND TITLE AGENCY
2362 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

FAIR CASH VALUE \$347,000.00
TRANSFER TAX EXEMPT

PIDN: _____
GROUP: 1426 * 2038A
PLAT: _____

Know All Men By These Presents:

PROPERTY TRANSFER TAX PAID \$ Exempt
JERRY W. ROUSE, CLERK [Signature]

The JOSEPH CLINTON BERKSHIRE AND SUE KATE BERKSHIRE, HIS WIFE

whose mailing address is: 7414 US 42, Florence, KY 41042

for and in consideration of ONE DOLLAR & OTHER GOOD & VALUABLE CONSIDERATION to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

JOSEPH CLINTON BERKSHIRE AND SUE KATE BERKSHIRE, HIS WIFE
FOR AND DURING THEIR JOINT AND NATURAL LIVES, WITH THE
REMAINDER IN FEE SIMPLE TITLE TO THE SURVIVOR OF THEM,
HIS OR HER

here and assigns forever, the following described Real Estate, in the City of FLORENCE

XXXX
County of Boone and Commonwealth of Kentucky, to-wit:
BOONE

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

BEING ALL OF THE REMAINING PROPERTY CONVEYED TO JOSEPH CLINTON BERKSHIRE AND FRANCES BERKSHIRE, SON AND MOTHER, JOINTLY WITH RIGHT OF SURVIVORSHIP, BY DEED DATED MAY 13, 1961, AND RECORDED IN DEED BOOK 149, PAGE 120, OF THE BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY. SAID FRANCES BERKSHIRE IS NOW DECEASED AND BY VIRTUE OF THE SURVIVORSHIP CLAUSE, TITLE IS NOW VESTED IN THE GRANTOR, JOSEPH CLINTON BERKSHIRE.

RECEIVED
JUL 25 P 1:54
JERRY W. ROUSE
BOONE COUNTY CLERK

PROPERTY ADDRESS: 319.330 ACRES PLEASANT VALLEY ROAD, FLORENCE, KY 41042

GRANTEE MAILING ADDRESS: 7414 US 42, Florence, KY 41042

PREPARED BY: Return To:
[Signature]
RONALD G. MULLEN, ATTORNEY
2362 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

CLERKS USE ONLY



Together with all the PRIVILEGES AND APPURTENANCES to the same belonging,
TO HAVE AND TO HOLD the same to the said

GRANTEES AS AFORMENTIONED, THEIR

heirs and assigns, forever, the GrantorS heirs, executors and administrators, HEREBY COVENANTING with the granteesS heirs
and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that THEY will WARRANT AND DEFEND the
same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said Grantor

JOSEPH CLINTON BERKSHIRE AND SUE KATE BERKSHIRE, HIS WIFE

hereunto set THEIR hand, this 18TH day of JULY in the year 1994.

<i>Joseph Clinton Berkshire</i> JOSEPH CLINTON BERKSHIRE	<i>Sue Kate Berkshire</i> SUE KATE BERKSHIRE

State of Kentucky
County of Kenton

The foregoing instrument was acknowledged, subscribed and sworn to before me this 18TH day of JULY, 1994
by the Grantor

JOSEPH CLINTON BERKSHIRE AND SUE KATE BERKSHIRE, HIS WIFE

Commission expires: 6-25-97

William D. Carson
NOTARY PUBLIC
(Title)

CERTIFICATE OF CONSIDERATION

Grantor and Grantee both certify, under oath, that the consideration reflected in this deed is the full consideration paid for the property
and Grantee joins in this deed for the sole purpose of making this certificate about the consideration.

Sworn to this 18TH day of JULY in the year 1994.

<i>Joseph Clinton Berkshire</i> GRANTOR JOSEPH CLINTON BERKSHIRE	<i>Joseph Clinton Berkshire</i> GRANTEE JOSEPH CLINTON BERKSHIRE
<i>Sue Kate Berkshire</i> SUE KATE BERKSHIRE	<i>Sue Kate Berkshire</i> SUE KATE BERKSHIRE

State of Kentucky
County of Kenton

The foregoing certification was acknowledged, subscribed and sworn to before me this 18TH day of JULY 1994.

JOSEPH CLINTON BERKSHIRE AND SUE KATE BERKSHIRE, HIS WIFE, AND

JOSEPH CLINTON BERKSHIRE AND SUE KATE BERKSHIRE, HIS WIFE

Commission expires: 6-25-97

William D. Carson
NOTARY PUBLIC
(Title)

DESCRIPTION OF 319.330 ACRES—JOE C. BERKSHIRE PROPERTY, PLEASANT VALLEY ROAD

Located generally in Boone County Groups numbers 2038A and 1426, on both sides of Pleasant Valley Road (Kentucky Highway #237), about a mile Southeast of Camp Ernst Road and described thus; BEGINNING at, a spike on the intersection of the common line of the properties of Joe C. Berkshire (D.B. 149 page 120) and Michael Brueggemann (D.B. 383 page 45) with the centerline of the Pleasant Valley Road, said spike is also on the Northeast corner of the tract of 51 acres described in D.B. "Q" at page 606, which is a part of said Joe C. Berkshire property; thence with the centerline of said road, N 16-7 W 382.5 feet to a spike therein a corner of the Berkshire Land Division tract as shown in Plat Book 16 at page 34; thence with lines of said tract, N 66-46 E 716.1 feet to a corner thereof, S 27-10 E 1343.74 feet to a found #7 rebar a corner thereof, S 57-32 W 669.96 feet to a spike in the centerline of said Pleasant Valley Road; thence with the South line of a parcel conveyed to Roy Martin, S 35-30 E 587.3 feet, S 31-25 E 63.8 feet; thence with lines of said Roy Martin property and with lines of the original Weaver tract (now Fischer Development Co.-D.B. 369 page 152), S 21-37-10 W 342.62 feet to a found iron post, S 21-00 W 528.0 feet, S 9-14 W 876.2 feet, and S 5-00 E 773.88 feet to the approximate center of the South fork of Gunpowder Creek; thence down said creek with the South lines of a tract of 106½ acres conveyed to a predecessor in title in D.B. "P" at page 406, S 56-30 W 178.36 feet, S 40-00 W 891.0 feet, N 83-30 W 396 feet, N 48-30 W 627.0 feet, N 61-00 W 792.0 feet, N 88-00 W 643.5 feet, N 11-40-10 W 331.72 feet, N 25-52 E 398.40 feet to the Southeast corner of a tract of 85 acres conveyed to a

319.330 ACRES-JOE C. BERKSHIRE-Page 2

predecessor in title in D.B. 23 at page 414; thence with lines of said tract common with the property lines of the Longbranch Estates Subdivision, Owen, Kroth and the Borders Brothers, N 83-15-55 W 1534.5 feet to a stone, found July 1991, N 7-3-15 E 1788.13 feet to a corner of said tract in said fork of Gunpowder Creek; thence continuing with lines of said tract and up said fork of Gunpowder Creek, S 80-47-25 E 1071.08 feet, N 89-12-25 E 363 feet, S 76-17-35 E 300 feet; thence with the Northwest line of a tract of 51 acres described in D.B. "Q" at page 606, common with the lines of said Borders Brothers, Richard Pedders and said Michael Brueggemann, N 44-42-25 E 2023.7 feet, and S 84-17-25 E 400.0 feet to the place of beginning containing 319.330 acres and subject to legal highways and legal easements of record and in existence.

The above described property comprises the same tract #2 conveyed by a general boundary description to Frances Berkshire and Joe C. Berkshire with a survivorship clause in D.B. 149 at page 120. Said tract comprises and encloses the following described tracts described in deeds to predecessors in title as follows: 20 acres more or less-D.B. 23 page 132, 51 acres and 36 1/2 acres-D.B. "Q" page 606, 106 1/2 acres-D.B. "P" page 406, and 85 acres-D.B. 23 page 414. All references herein are to deeds in Groups numbers 2038A & 1426 of the Boone County Clerk's records at Burlington, Ky.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., Aug. 1, 1991, from surveys made by David G. Walton, Ky. Reg. P.E. & L.S.

State of Kentucky, County of Boone
 JERRY W. ROUSE, Clerk of the Boone County Court, do certify that the foregoing was, on the 21 day of July 1991, at 1:34 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 21 day of July 1991
 JERRY W. ROUSE, CLERK
 By Jane Rouse D.C.

DB "Q"
 Q

Exhibit D

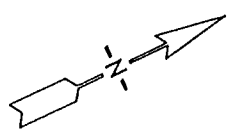
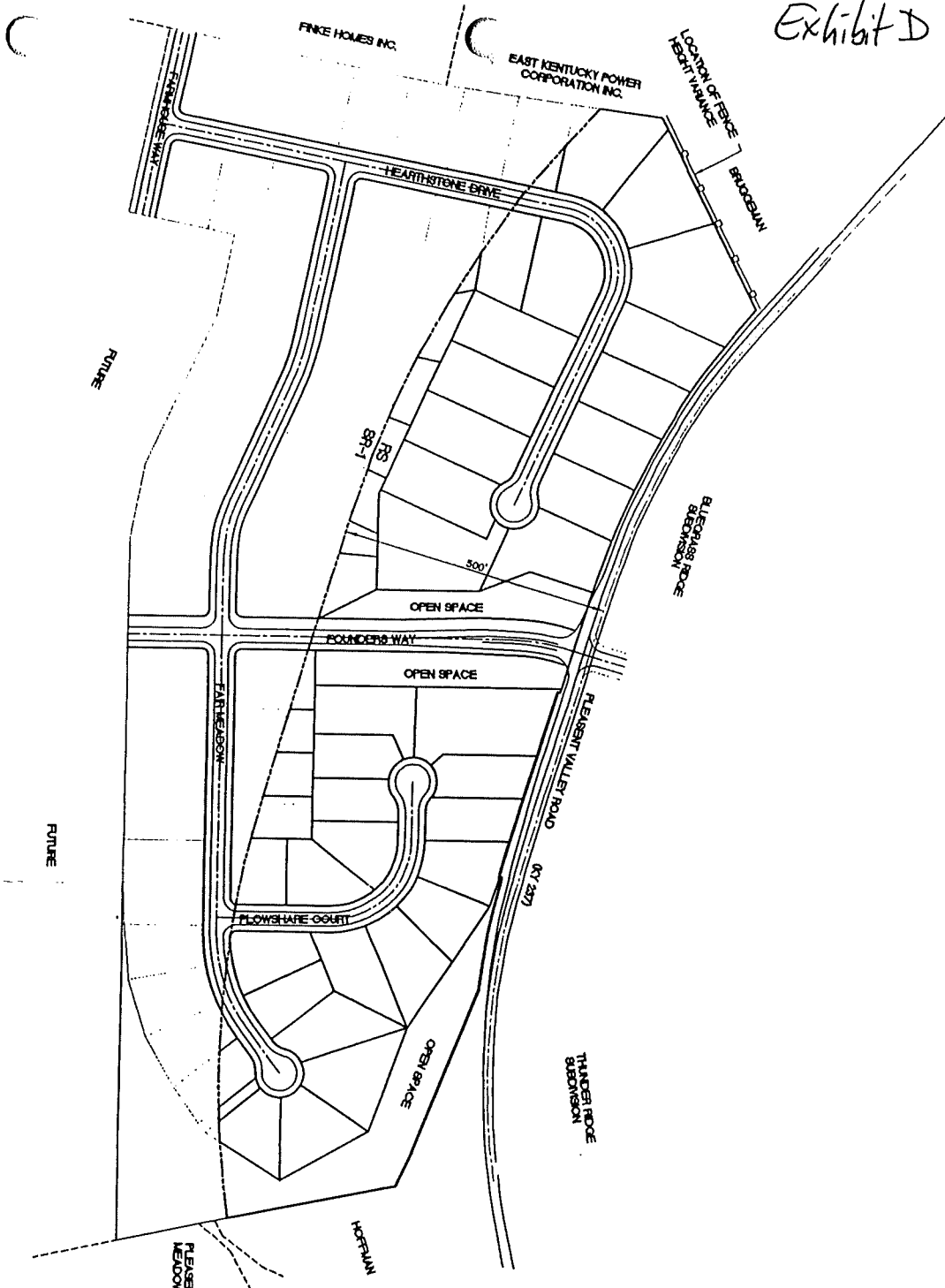


EXHIBIT FOR DREES
 COMPANY VARIANCE
 HEARTHSTONE SUBDIVISION
 PHASE A

KY 237, BODINE CD., KY.
 SCALE 1" = 200' FEB. 8, 1999



VIOX & VIOX INC.
 CONSULTING ENGINEERS & SURVEYORS
 186 ERLANGER ROAD
 FLODGER, KENTUCKY 41018
 PHONE: (606) 727-3293

COPY

CLUR # 99-BCBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Joe and Sue Kate Berkshire
7414 U.S. 42
Florence, KY 41042

2. ADDRESS OF PROPERTY
West Side of Pleasant Valley Rd
Boone County, Kentucky

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)
Hearthstone Subdivision

DEED BK.: 549

PAGE NO.: 280

GROUP NO.: 2038

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

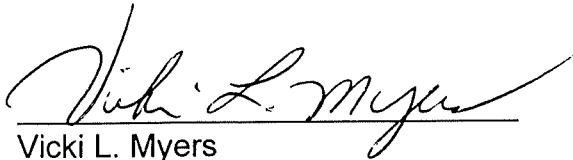

SIGNATURE OF COMPLETING OFFICIAL

Kevin T. Wall, AICP/CDT, Director of Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

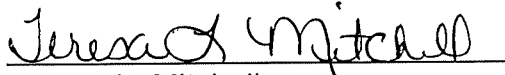
Subscribed, sworn to, and acknowledge before me by Kevin T. Wall behalf of the
Boone County Planning Commission this 12th day of April 1999.



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
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 Variance approved by the Boone Board of Adjustments and in accordance with the current zoning in effect as of March 10, 1999 Certificate of Land Use Restriction (# 99 BCBOA-005-A), for Joe and Sue Kate Berkshire, Property Owners.

The following conditions will apply: 1). That the fence is to be 8 foot in height and it will be a wooden fence consistent with the setback in the rest of the subdivision

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 549 PAGE NO. 280 Group No. 2038