RECEIVED
90455
MAY 06 2024
BOONE COUNTY
PLANNING COMMISSION

BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION

002

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

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: Robert T. Lux

   Address: 3596 Evensong Drive

   Union (City) KY (State) 41091-6925 (Zip Code)

   Phone Number: 859.609.4931 Fax Number: N/A

   Email: robert.t.lux@outlook.com

4. Description of Request: Extension of existing deck behind house. Variance needed for how close to the setback we can get.
   7ft. variance

5. Name of Development: Harmony

6. Location of Development: ~~US 42 & Mt. Zion Rd~~ 3596 Evensong Dr

   Union (City) KY (State) 41091-6925 (Zip Code)

7. Acreage Under Review: N/A

8. Lot Number and Name of Subdivision (if part of a subdivision:

9. Current Owner: Robert & Michelle Lux

   Address: 3596 Evensong Drive

   Union (City) KY (State) 41091-6925 (Zip Code)

   Phone Number: 859.609.4931 Fax Number: N/A

   Email: robert.t.lux@outlook.com

10. Proposed Use(s) on Site: Residential deck addition

11. Total Square Footage of Existing and/or Proposed Buildings: N/A

12. Current Zoning: Residential SR-1 / UTO

13. 984 Deed Book | 680 Page | 2047 Group Number

14. Is the site subject to a zone change: ☐ Yes ☒ No
If yes, date of approval: N/A

15. Have you submitted a Site Plan with this request: ☒ Yes ☐ No

16. Have you submitted a list of adjoining property owners with this request: ☐ Yes ☒ No

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature: [signature]

pplicant's Signature: [signature]

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 5/6/24 Fee Received: $1666 Receipt #: 90455
2. Is application complete: ✓
3. Staff Reviewer: [signature]
4. Scheduled Board Action Date: 6-4-24
5. Board Action: Grant of variance. Vote 3-0 in favor 6-4-24

   ✓ Approved

   _____ Approved with Conditions (see #6)

   _____ Denial (See #7)

6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT **#1**

APPLICANT: Robert Lux
LOCATION: 3596 Evensong Drive, Union, Kentucky
ZONING: SR-1/UTO
DATE: June 4, 2024

PROPOSAL

A. The applicant is requesting a Variance reducing the rear yard setback from twenty-five (25) feet to fifteen (15) feet to allow for a deck extension.

SITE HISTORY

2000 The 2000 Union Town Plan was adopted by the Boone County Planning Commission, Boone County Fiscal Court, and the City of Union.

2008 On July 30, 2008, the Final Plat for Harmony Subdivision, Section 9, was recorded, creating the lot in question.

2010 On April 16, 2010, the Boone County Planning Commission approved a zoning permit for a single-family residential dwelling.

APPLICABLE REGULATIONS

A. Section 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.

B. Section 4000 of the Boone County Zoning Regulations defines a variance 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.

C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 204.D and 204.E of the Boone County Zoning Regulations.

1. Findings listed in Section 204.D and 204.E:

a. 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:

(1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

(2) 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;

(3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

b. 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.

D. Section 903.A of the Boone County Zoning Regulations states that the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.

E. Section 2500.A of the Boone County Zoning Regulations states that zoning implementation methodology includes two main courses of action. First, three zoning districts are created, the Union Town Center (UTC), the Union Commercial (UC), and the Union Neighborhood Office (UNO) zones. Secondly, a Union Town Overlay District (UTO) is established to provide an incentive to develop the residential, recreation, and public facilities land uses of the Study Area in a certain manner. Both methods establish the potential for "higher" or more dense development in most areas than the existing zoning would allow under the current regulations.

F. Section 2509.E of the Boone County Zoning Regulations states that building setbacks from Old U.S. 42, New U.S. 42, and Hathaway Road generally follow topography and are depicted on the Union Town Plan Land Use Map. All other principal structure setbacks shall be determined by the developer. Accessory structures shall be ten (10) feet from all property lines.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as "High Suburban Density Residential", which is described as single-family and/or attached housing of up to 8 dwelling units per acre.

B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

1. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
3. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population. (Demographics Goal A, Objective 3).
4. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density. (Demographics Goal B, Objective 4).
5. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features. (Demographics Goal B, Objective 8).

SURROUNDING LAND USES AND ZONING

North:	Single family residential (SR-1)
South:	Single family residential (SR-1/UTO)
East:	Single family residential (SR-1/UTO)
West:	Single family residential (SR-1/UTO)

SITE CHARACTERISTICS

A. The approximate 0.17 acre property is located along the north side of Evensong Drive, at the intersection with Sapphire Lane.

B. The site has approximately forty-four (44) feet of frontage along Evensong Drive.

C. The site is currently occupied by a detached single-family residential dwelling with an existing deck.

D. Access to the site is from a single curb cut onto Evensong Drive.

F. The site slopes from the back of the house toward the north property line at an approximate 10% grade.

G. There are mature trees and a drainage swale along the north property line.

STAFF COMMENTS

A. The proposed deck addition will be set back fifteen (15) feet from the north property line and approximately one hundred and forty (140) feet from the nearest building to the northeast of the proposed deck.

B. The proposed extension of the deck would be within the cleared portion of the lot and shouldn't affect the existing tree line.

CONCLUSION

A. KRS 100.241 and Section 202 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

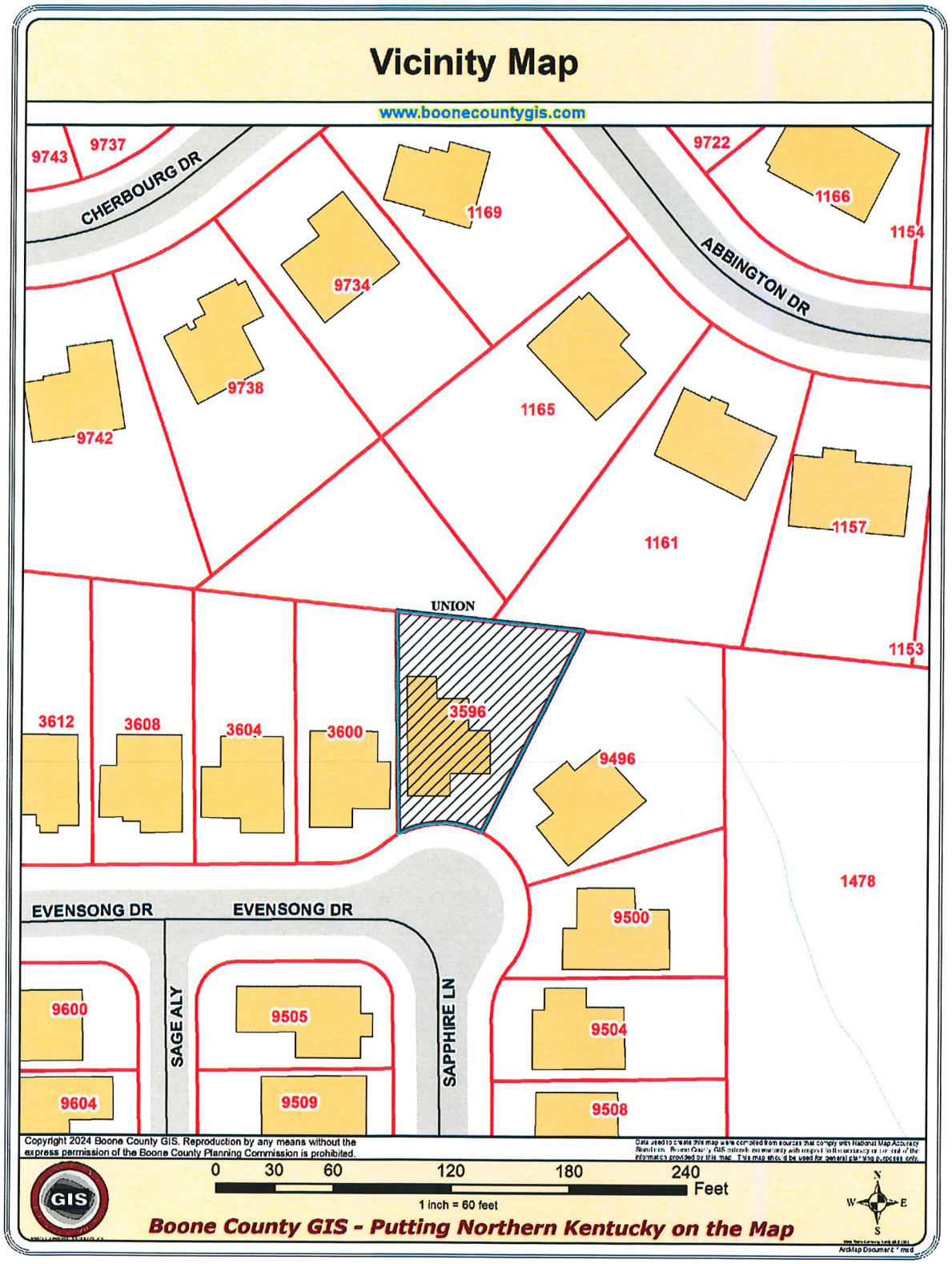
B. Sections 204.D and 204.E of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,

Steven C. Lilly, PLS
Planner, Zoning Services

SCL/ss

Attachments
*Vicinity Map
*Aerial Map
* Zoning Map
*Topographical Map
*2040 Future Land Use Map
*2000 Union Town Plan, Land Use Map
*Application
*Development Plan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www.boonecountygis.com
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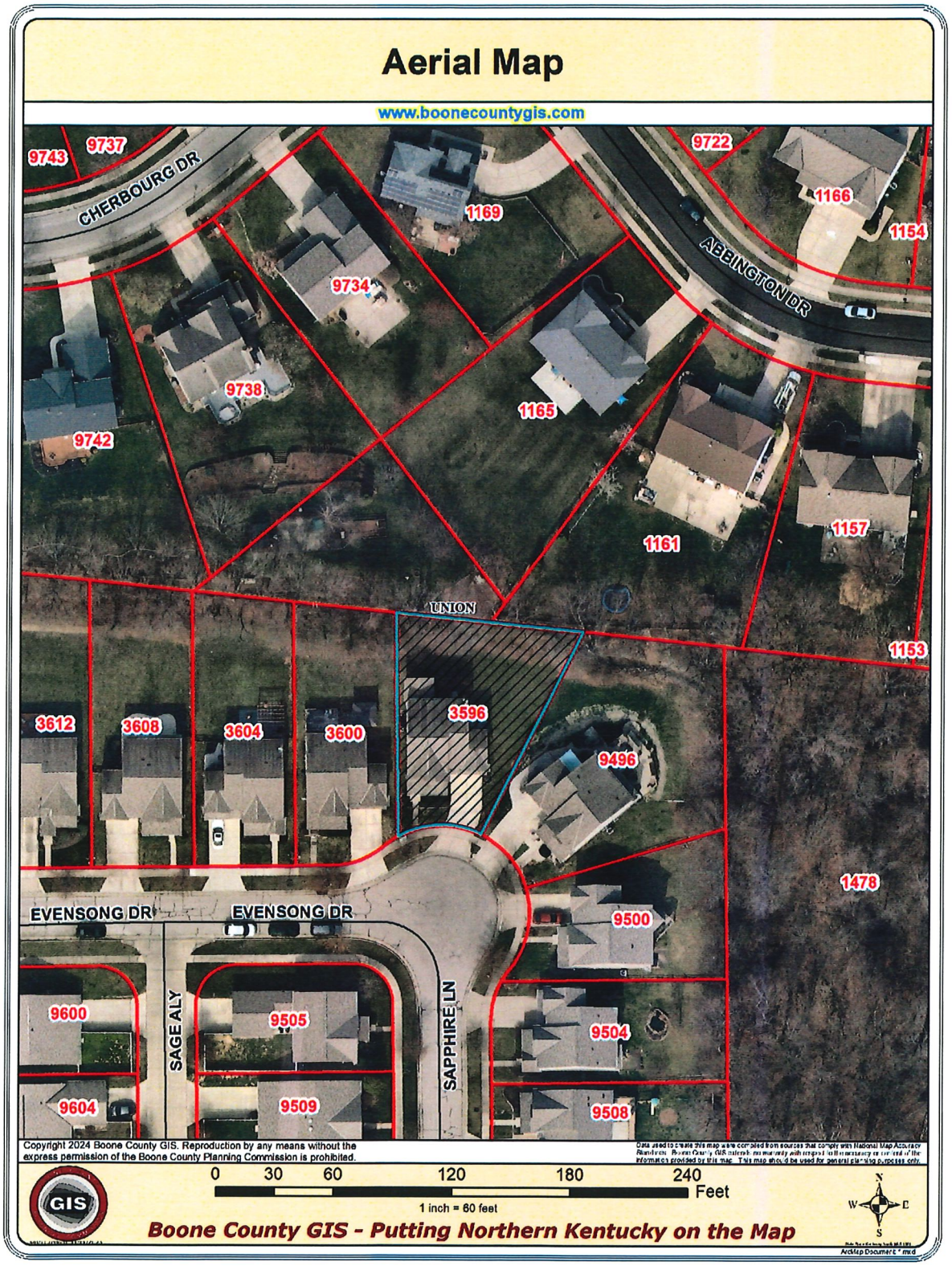
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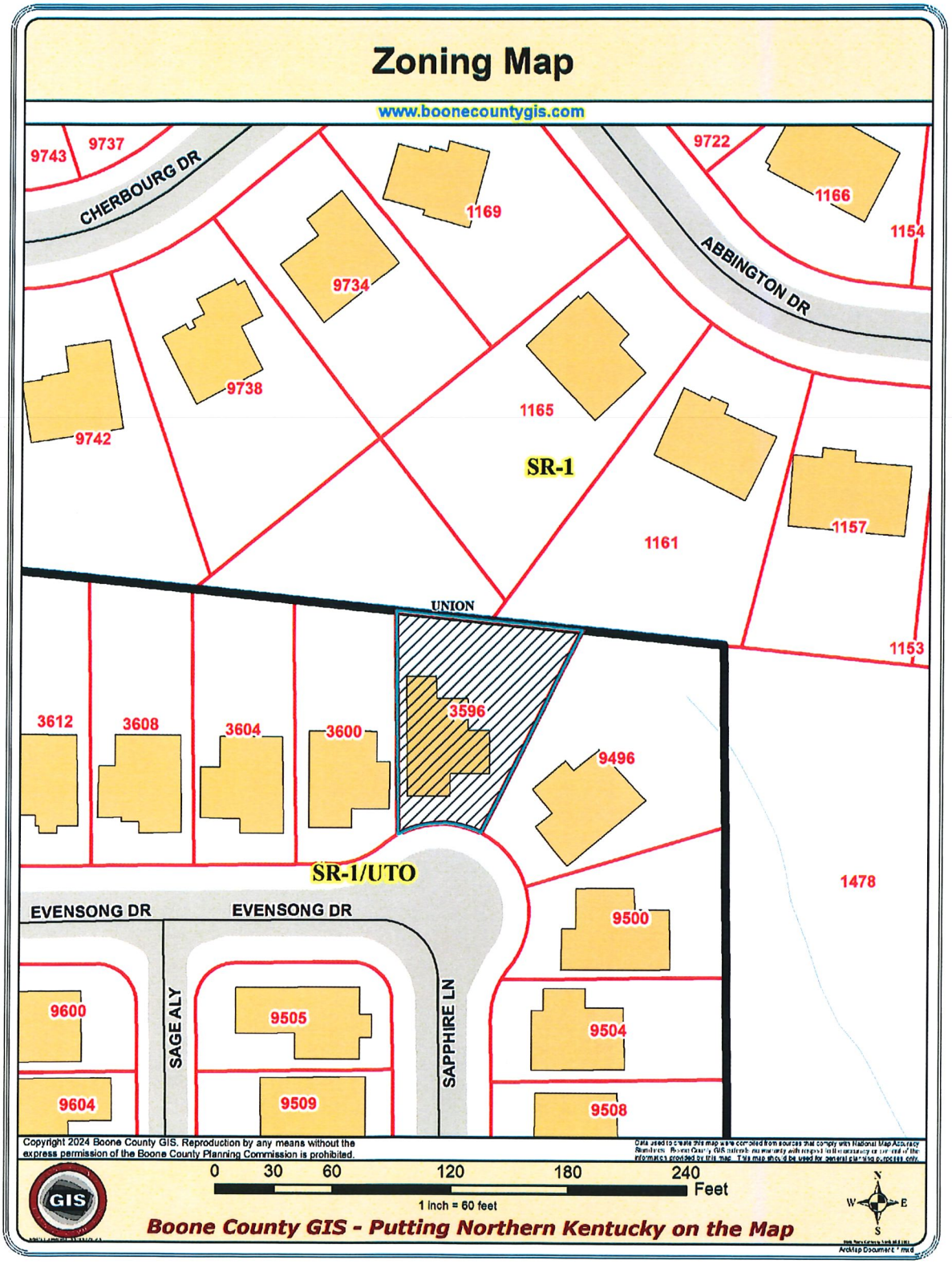
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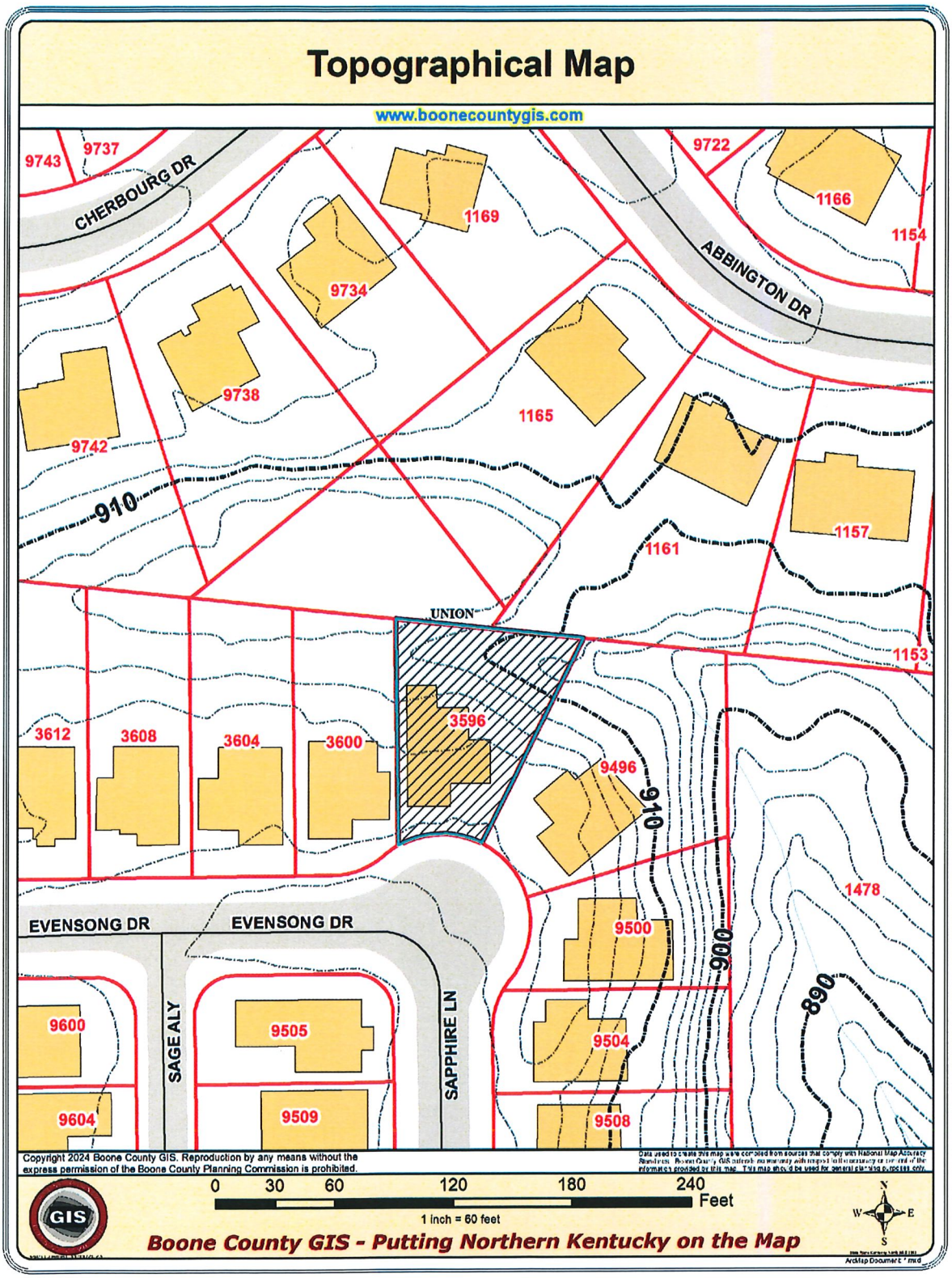
Topographical Map
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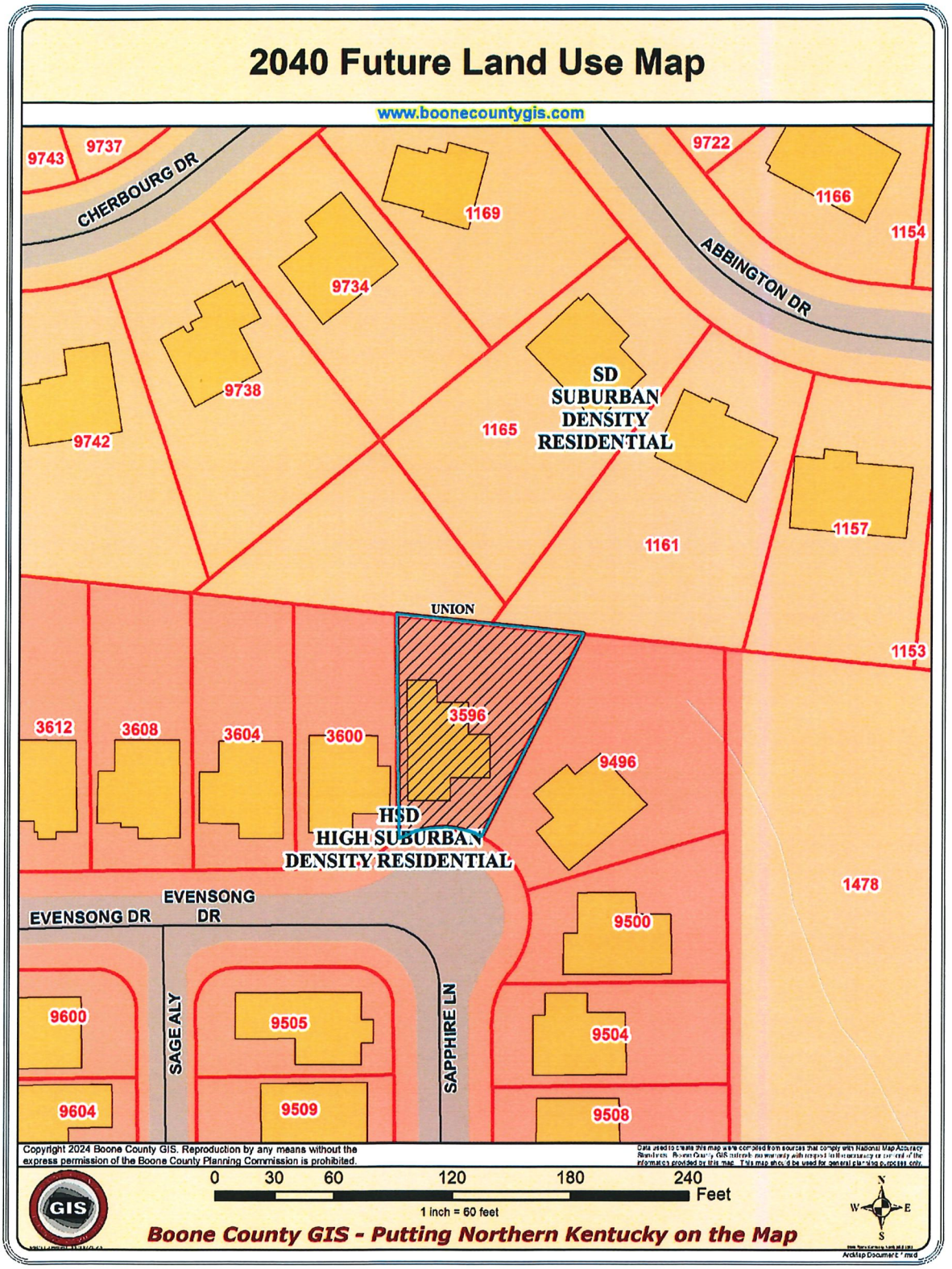
2040 Future Land Use Map
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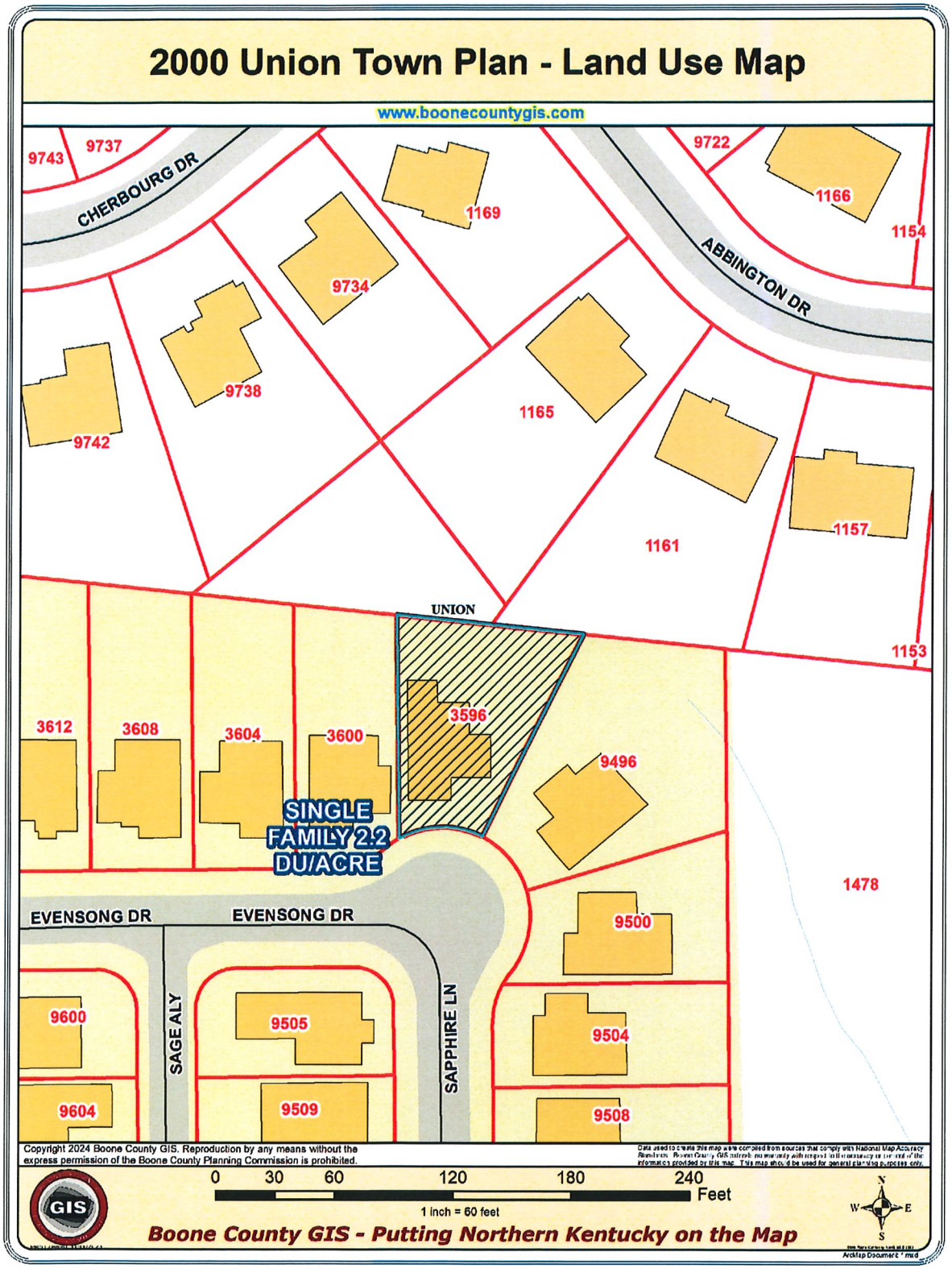
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Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

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: Robert T. Lux
   Address: 3596 Evensong Drive
   Union (City) KY (State) 41091-6925 (Zip Code)
   Phone Number: 859.609.4931 Fax Number: N/A
   Email: robert.t.lux@outlook.com
4. Description of Request: Extension of existing deck behind house. Variance needed for how close do the setbacks we can get.
   7ft. variance
5. Name of Development: Harmony
6. Location of Development: ~~US 42 & Mt. Zion Rd~~ 3596 Evensong Dr
   Union (City) KY (State) 41091-6925 (Zip Code)
7. Acreage Under Review: N/A
8. Lot Number and Name of Subdivision (if part of a subdivision:
9. Current Owner: Robert & Michelle Lux
   Address: 3596 Evensong Drive
   Union (City) KY (State) 41091-6925 (Zip Code)
   Phone Number: 859.609.4931 Fax Number: N/A
   Email: robert.t.lux@outlook.com

Board of Adjustment
Page 2

10. Proposed Use(s) on Site: Residential deck addition

11. Total Square Footage of Existing and/or Proposed Buildings: N/A

12. Current Zoning: Residential SR-1 / UTD

13. 984 Deed Book 680 Page 2047 Group Number

14. Is the site subject to a zone change: ☐ Yes ☒ No
If yes, date of approval: N/A

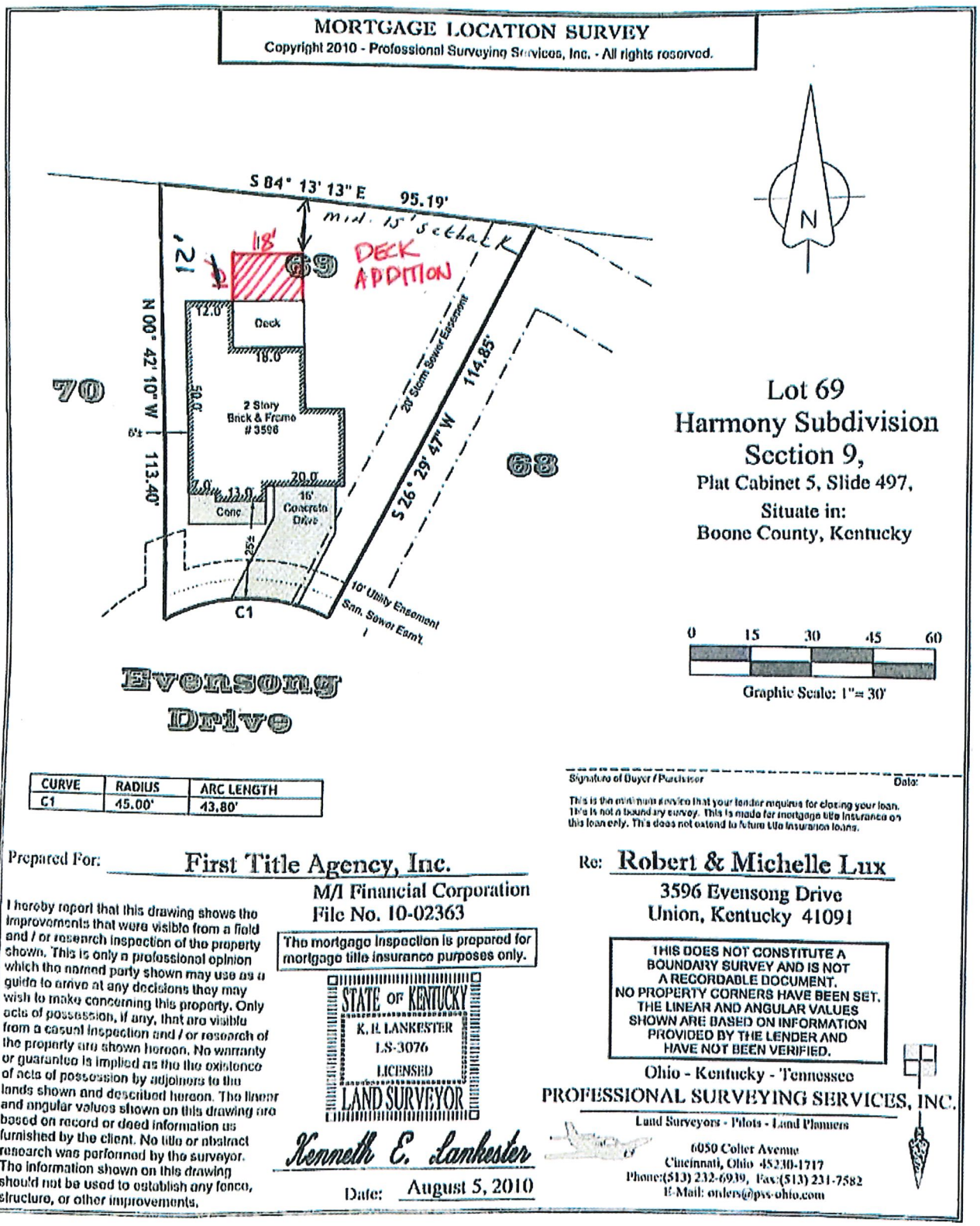
15. Have you submitted a Site Plan with this request: ☒ Yes ☐ No

16. Have you submitted a list of adjoining property owners with this request: ☐ Yes ☒ No

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature: [signature]

pplicant's Signature: [signature]



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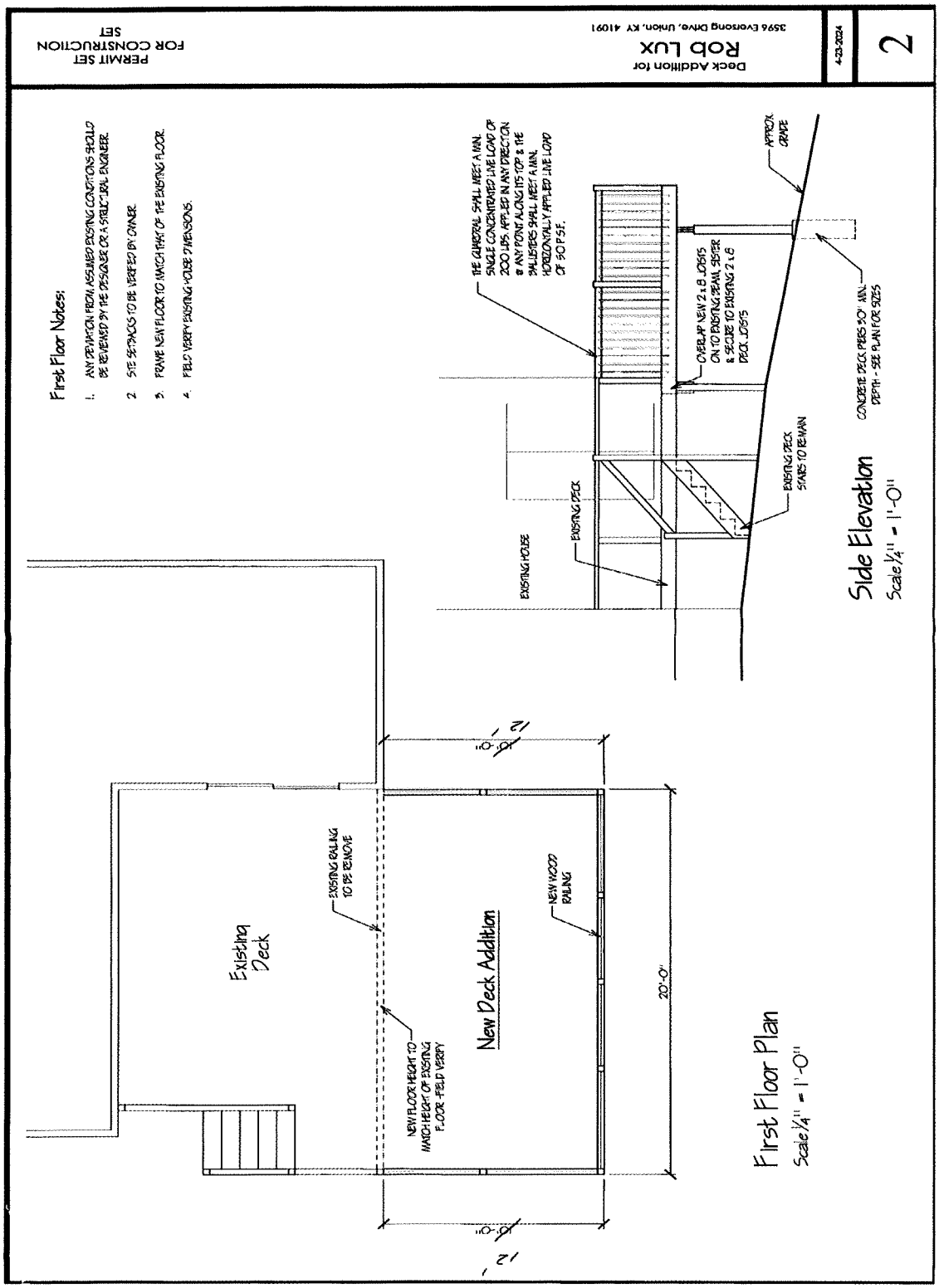
Deck Addition for
Rob Lux
3596 Evensong Drive, Union, KY 41091
4-23-2024
2
PERMIT SET
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SET
First Floor Notes:
1. ANY DEVIATION FROM ASSUMED EXISTING CONDITIONS SHOULD BE REVIEWED BY THE DESIGNER OR A STRUCTURAL ENGINEER.
2. SITE SETBACKS TO BE VERIFIED BY OWNER.
3. FRAME NEW FLOOR TO MATCH THAT OF THE EXISTING FLOOR.
4. FIELD VERIFY EXISTING HOUSE DIMENSIONS.
THE GUARDRAIL SHALL MEET A MIN. SINGLE CONCENTRATED LIVE LOAD OF 200 LBS. APPLIED IN ANY DIRECTION @ ANY POINT ALONG ITS TOP & THE BALUSTERS SHALL MEET A MIN. HORIZONTALLY APPLIED LIVE LOAD OF 50 P.S.F.
APPROX. GRADE
OVERLAP NEW 2 x 8 JOISTS ON TO EXISTING BEAM, SPIKE & SECURE TO EXISTING 2 x 8 DECK JOISTS
CONCRETE DECK PIERS 50" MIN. DEPTH - SEE PLAN FOR SIZES
EXISTING DECK STAIRS TO REMAIN
EXISTING DECK
EXISTING HOUSE
Side Elevation
Scale 1/4" = 1'-0"
EXISTING RAILING TO BE REMOVE
NEW WOOD RAILING
Existing Deck
New Deck Addition
NEW FLOOR HEIGHT TO MATCH HEIGHT OF EXISTING FLOOR - FIELD VERIFY
20'-0"
10'-0"
10'-0"
First Floor Plan
Scale 1/4" = 1'-0"

Steve Lilly

From: Sara Smith
Sent: Thursday, May 30, 2024 9:07 PM
To: Steve Lilly
Subject: Fw: Variance Request on Evensong Drive - Lux Family

From: Laura Tenfelde <lbtenfelde@gmail.com>
Sent: Thursday, May 30, 2024 8:46 PM
To: Planning Commission General Account <plancom@boonecountyky.org>
Cc: robert.t.lux@outlook.com <robert.t.lux@outlook.com>
Subject: Variance Request on Evensong Drive - Lux Family

EXTERNAL MESSAGE

Hello,

My name is Laura Tenfelde (formerly Laura Spaeth). My family and I live at 9505 Sapphire Lane in Union directly across the street from the Lux family. **I am writing to show my support and concurrence of their variance request** which is currently up for review with the Boone County Planning Commission. We have no issue at all with this variance request to extend their deck. Infact, I believe this wonderful addition will help to increase the property values surrounding the Lux home.

If you have any questions or would like to discuss further, please do not hesitate to contact me at (859) 496-6768 or by email at LBTenfelde@gmail.com.

Thank you for your consideration.

Laura Tenfelde
9505 Sapphire Lane
Union, KY 41091

Steve Lilly

From: Sara Smith
Sent: Thursday, May 30, 2024 9:06 PM
To: Steve Lilly
Subject: Fw: 3596 Evensong Dr.

From: Rogers Lowey, Trisha <Trisha.RogersLowey@uchealth.com>
Sent: Thursday, May 30, 2024 4:59 PM
To: Planning Commission General Account <plancom@boonecountyky.org>
Cc: Robert Lux <robert.t.lux@outlook.com>
Subject: Re: 3596 Evensong Dr.

EXTERNAL MESSAGE

To the Boone County Planning Commission,

We support the proposed expansion of the deck/zoning for Robert Lux and family at 3596 Evensong Dr. Union KY 41091 AKA: lot 69 Subdivision Section 9. We share a property line at Sapphire Ln. and Evensong Dr. If you need additional information or have questions, feel free to reach out.

Thanks,

Trisha Rogers-Lowey
9496 Sapphire Ln.
Union KY 41091
859-760-8405

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Steve Lilly

From: Sara Smith
Sent: Tuesday, May 28, 2024 8:07 AM
To: Steve Lilly
Subject: FW: Regarding Request at 3596 Evensong Dr

-----Original Message-----
From: Jeremey Gingrich <jeremey1978@gmail.com>
Sent: Monday, May 27, 2024 9:53 PM
To: Planning Commission General Account <plancom@boonecountyky.org>
Cc: Grace Gingrich <grace_slp@yahoo.com>
Subject: Regarding Request at 3596 Evensong Dr

EXTERNAL MESSAGE

To the Boone County Planning Commission,

Concerning the proposed expansion of the deck at the property of the Lux family at Evensong Drive, we are in total agreement that this is an unobtrusive and aesthetically beneficial addition to our community.
We have no objections to their request.

Thanks,
Jeremey & Grace Gingrich
3600 Evensong Dr
Sent from my iPhone

robert.t.lux@outlook.com

From: Daniel Krieg <kriegdc@gmail.com>
Sent: Monday, May 6, 2024 10:53 AM
To: robert.t.lux@outlook.com
Subject: Deck Additon

We are writing in reference to the deck addition being added on the back of the property owned by Robert and Michelle Lux at 3596 Evensong Drive, Union, Kentucky 41091, known as Lot 69 Harmony Subdivision Section 9.

This property backs up to our property, Lot 86B Sec 8 Lancashire at Plantation Pointe, parcel ID 063.00-16-086.02. We have no issue with this addition or any variances required to build this on their property within their parcel ID 051.00-11-069.00.

Daniel Krieg
Laura Krieg
9738 Cherbourg Drive
Union, Ky 41091

MORTGAGE LOCATION SURVEY

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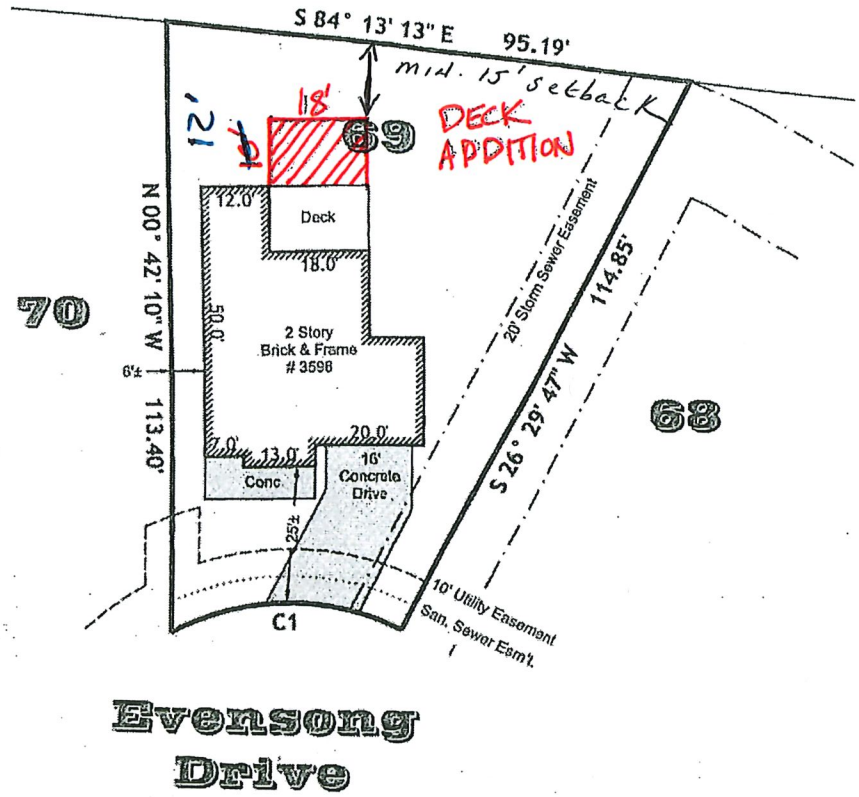
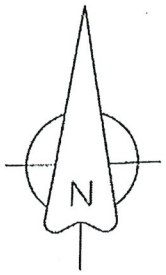
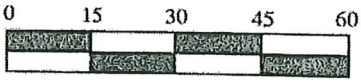




Lot 69
Harmony Subdivision
Section 9,
Plat Cabinet 5, Slide 497,
Situate in:
Boone County, Kentucky



Graphic Scale: 1"= 30'

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C1	45.00'	43.80'

Signature of Buyer / Purchaser Date:

This is the minimum service that your lender requires for closing your loan. This is not a boundary survey. This is made for mortgage title insurance on this loan only. This does not extend to future title insurance loans.

Prepared For: First Title Agency, Inc.

M/I Financial Corporation
File No. 10-02363

Re: Robert & Michelle Lux
3596 Evensong Drive
Union, Kentucky 41091

I hereby report that this drawing shows the improvements that were visible from a field and / or research inspection of the property shown. This is only a professional opinion which the named party shown may use as a guide to arrive at any decisions they may wish to make concerning this property. Only acts of possession, if any, that are visible from a casual inspection and / or research of the property are shown hereon. No warranty or guarantee is implied as the the existence of acts of possession by adjoiners to the lands shown and described hereon. The linear and angular values shown on this drawing are based on record or deed information as furnished by the client. No title or abstract research was performed by the surveyor. The information shown on this drawing should not be used to establish any fence, structure, or other improvements.

The mortgage inspection is prepared for mortgage title insurance purposes only.

STATE OF KENTUCKY
K. E. LANKESTER
LS-3076
LICENSED
LAND SURVEYOR

Kenneth E. Lankester

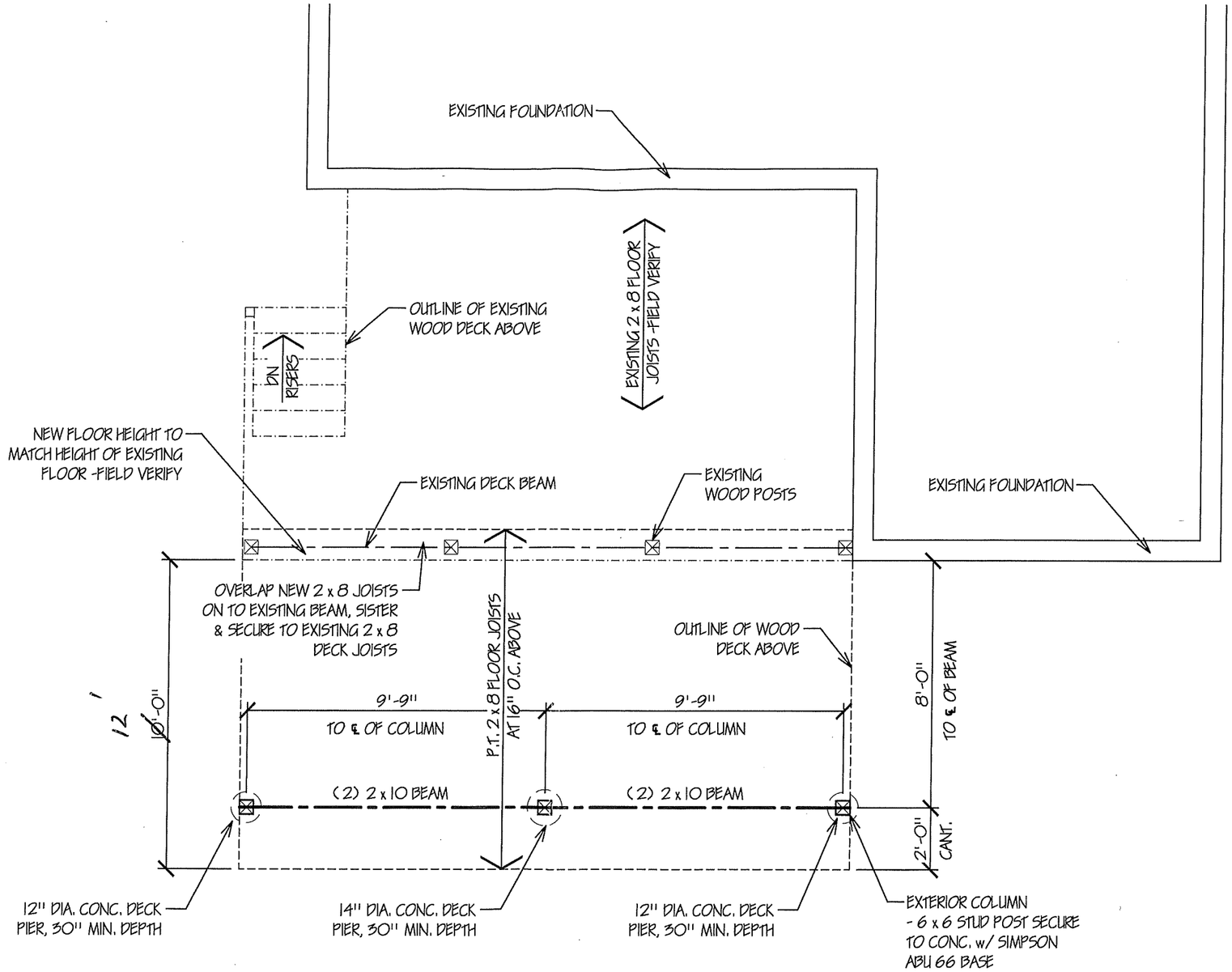
Date: August 5, 2010

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS NOT A RECORDABLE DOCUMENT. NO PROPERTY CORNERS HAVE BEEN SET. THE LINEAR AND ANGULAR VALUES SHOWN ARE BASED ON INFORMATION PROVIDED BY THE LENDER AND HAVE NOT BEEN VERIFIED.

Ohio - Kentucky - Tennessee
PROFESSIONAL SURVEYING SERVICES, INC.
Land Surveyors - Pilots - Land Planners
6050 Colter Avenue
Cincinnati, Ohio 45230-1717
Phone:(513) 232-6939, Fax:(513) 231-7582
E-Mail: orders@pss-ohio.com

Foundation Notes:

1. ANY DEVIATION FROM ASSUMED EXISTING CONDITIONS SHOULD BE REVIEWED BY THE DESIGNER OR A STRUCTURAL ENGINEER.
2. SITE SETBACKS TO BE VERIFIED BY OWNER.
3. FIELD VERIFY EXISTING HOUSE DIMENSIONS



EXISTING HOUSE STRUCTURE & DETAILS BASED ON OBSERVATIONS MADE w/ HOUSE INTACT PRIOR TO DEMOLITION. IF EXISTING CONDITIONS DIFFER OR IF SOIL CONDITIONS DO NOT MEET REQUIRED BEARING, A STRUCTURAL OR SOIL ENGINEER MAY NEED TO REVIEW.

Foundation Plan

Scale 1/4" = 1'-0"

NOTE:
ALL EXTERIOR MATERIALS TO MATCH EXISTING

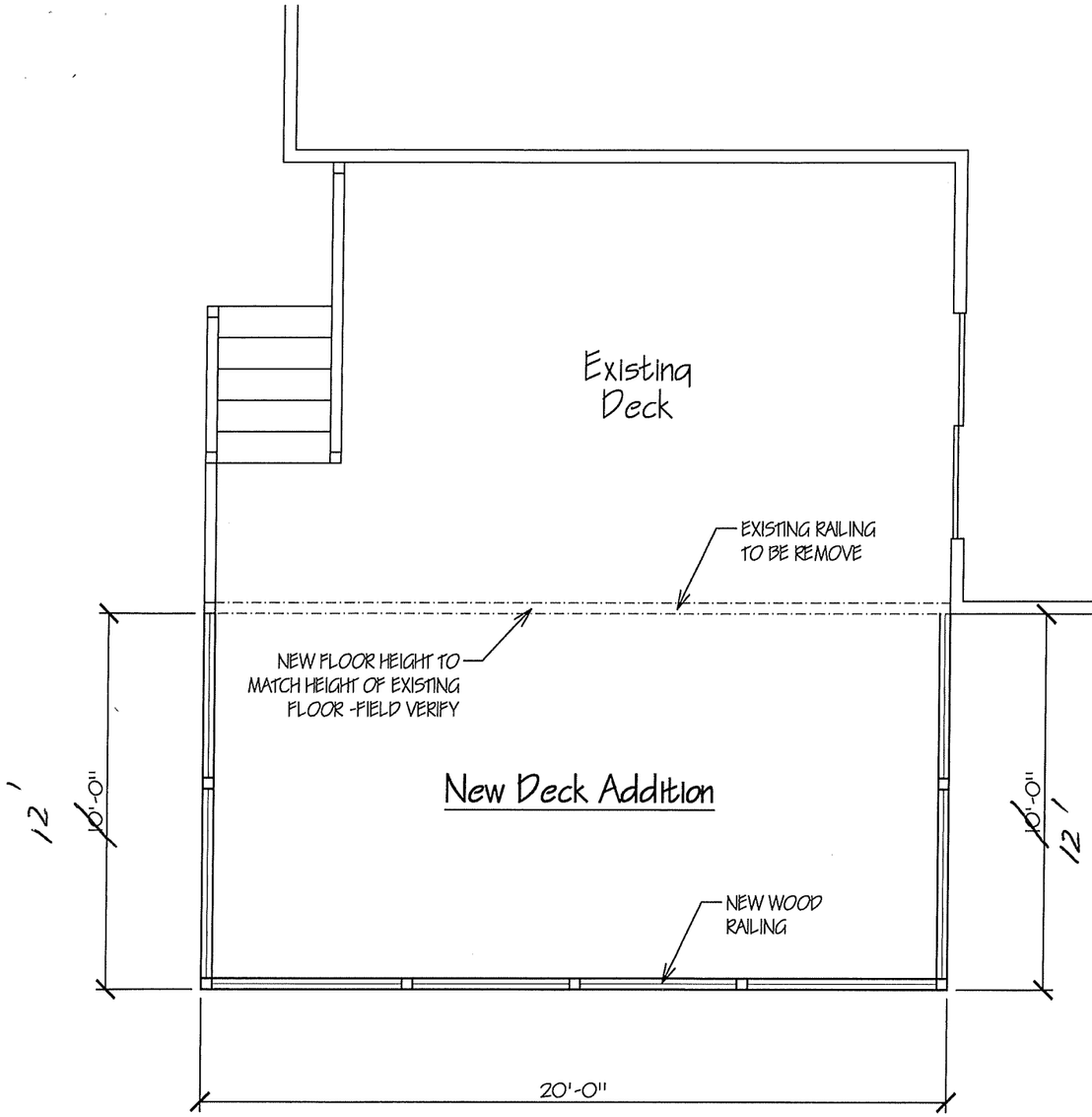
NOTE:
FIELD VERIFY ALL EXISTING SITE CONDITIONS AND DIMENSIONS

PERMIT SET
FOR CONSTRUCTION
SET

Deck Addition for
Rob Lux
3596 Eversong Drive, Union, KY 41091

4-23-2024

1

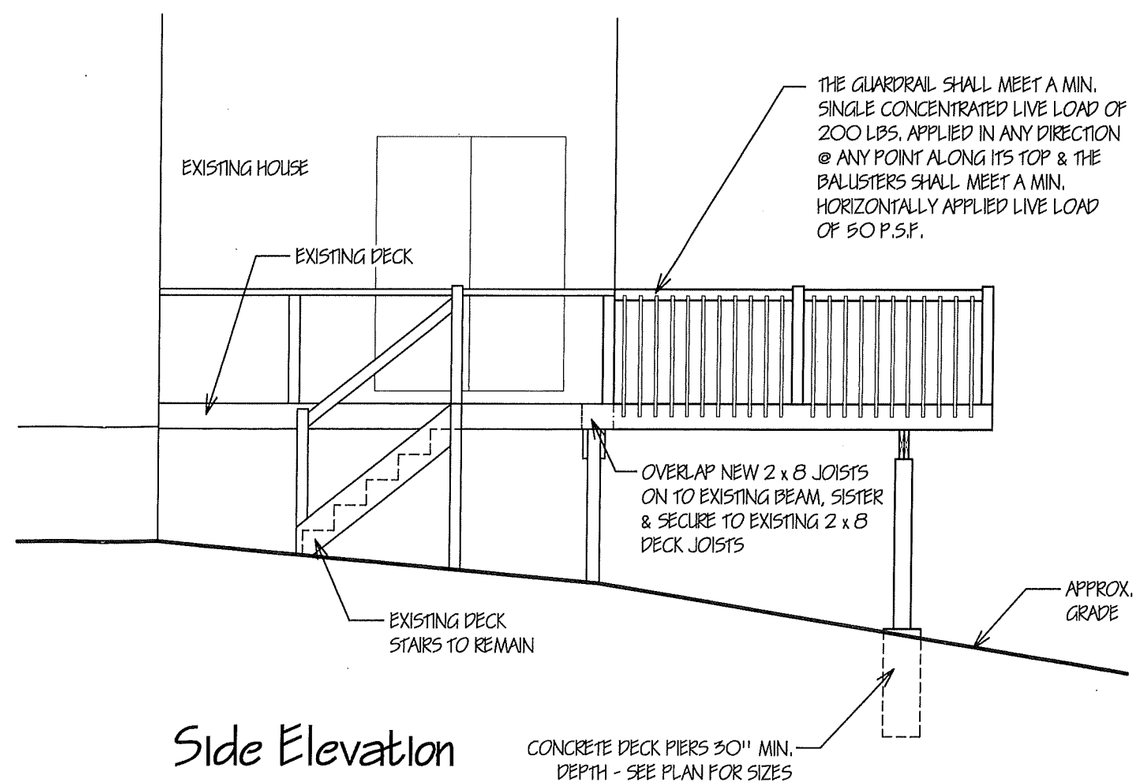


First Floor Plan

Scale 1/4" = 1'-0"

First Floor Notes:

1. ANY DEVIATION FROM ASSUMED EXISTING CONDITIONS SHOULD BE REVIEWED BY THE DESIGNER OR A STRUCTURAL ENGINEER.
2. SITE SETBACKS TO BE VERIFIED BY OWNER.
3. FRAME NEW FLOOR TO MATCH THAT OF THE EXISTING FLOOR.
4. FIELD VERIFY EXISTING HOUSE DIMENSIONS.



Side Elevation

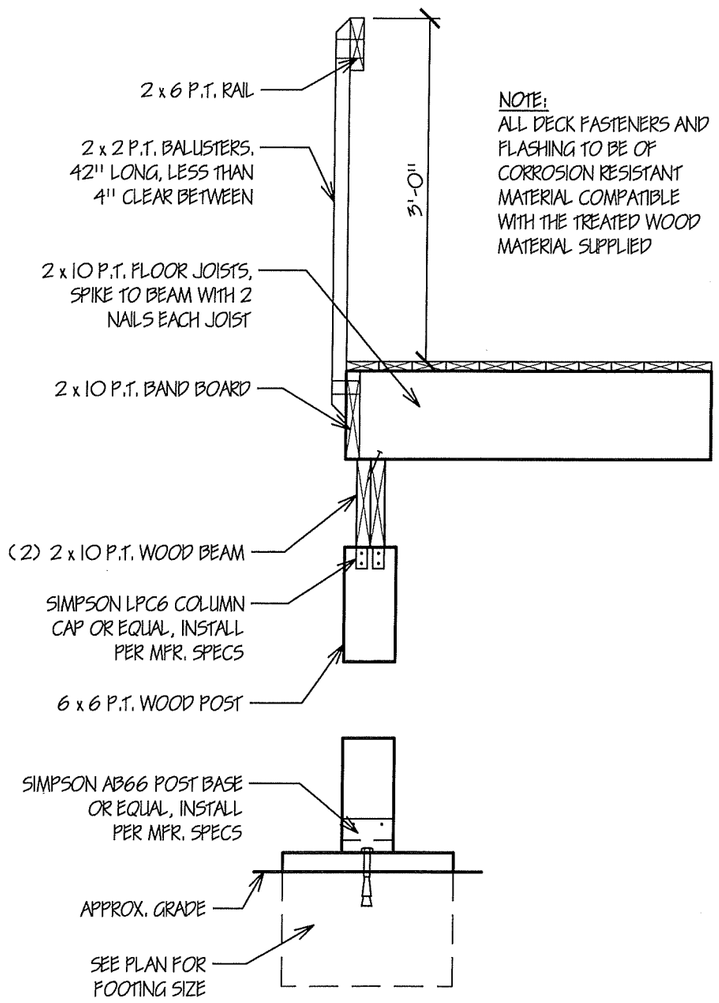
Scale 1/4" = 1'-0"

PERMIT SET
FOR CONSTRUCTION
SET

Deck Addition for
Rob Lux
3596 Eversong Drive, Union, KY 41091

4-23-2024

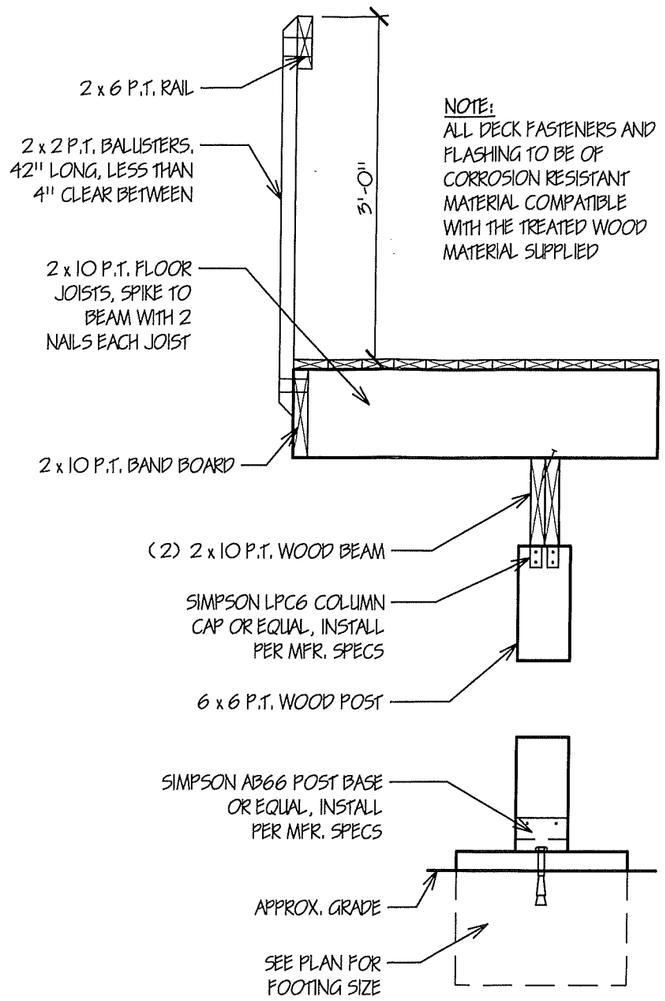
2



NOTE:
ALL DECK FASTENERS AND FLASHING TO BE OF CORROSION RESISTANT MATERIAL COMPATIBLE WITH THE TREATED WOOD MATERIAL SUPPLIED

Deck Framing Section @ Beam

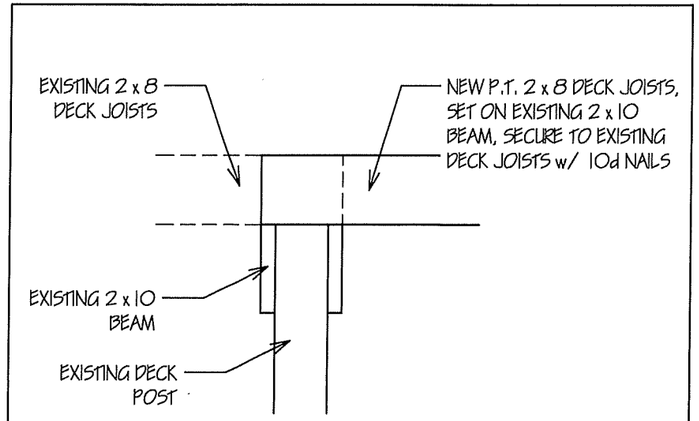
Scale 3/4" = 1'-0"



NOTE:
ALL DECK FASTENERS AND FLASHING TO BE OF CORROSION RESISTANT MATERIAL COMPATIBLE WITH THE TREATED WOOD MATERIAL SUPPLIED

Deck Framing Section @ Beam

Scale 3/4" = 1'-0"



Section @ Beam

Scale 3/4" = 1'-0"

PERMIT SET
FOR CONSTRUCTION SET

Deck Addition for
Rob Lux
3596 Eversong Drive, Union, KY 41091

4-23-2024

3

CLUR #24-UBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
   Robert & Michelle Lux
   3596 Evensong Dr
   Union, KY 41091

2. ADDRESS OF PROPERTY
   3596 Evensong Dr
   Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
   Lux Variance

4. DEED BOOK 984 PAGE NO. 680 GROUP NO. 2047

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

   ____ Zoning Map Amendment:
   From_____To_____

   ____ Development Plan

   ____ Subdivision Plat
   (Not Recorded)

   _X_ Variance

   ___ Conditional Use Permit

   ____ Conditional Zoning

   ____ Other:

6. 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
   2950 WASHINGTON STREET, ROOM 317
   P.O. BOX 958
   BURLINGTON, KENTUCKY 41005

   _____
   SIGNATURE OF COMPLETING OFFICIAL

   Steven C. Lilly, Planner
   Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Steven C. Lilly on behalf of the Boone County Planning Commission this 5th day of June, 2024.

Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:

Nicole Dierna
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)