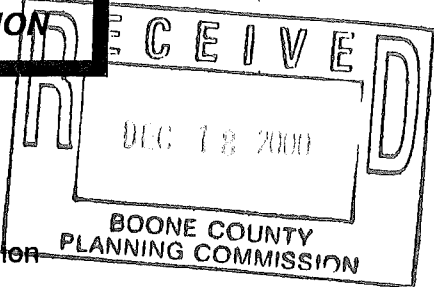


**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
1. Boone Florence Walton Union
 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
 3. Applicant's Name CELINE LUEBBE
 Phone Number 485-7607 Fax No. _____
 Applicant's Address 13333 OAK CREEK RD
WALTON KY 41094
 City State Zip
 4. Description of Request: WANT HOUSE 10 FT. FROM OTHER PROPERTY
 5. Name of Development _____
 6. Location of Development _____
 7. Acreage Under Review 1.516 AC SALEM CHURCH RD
 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
 9. Owner of Property CELINE LUEBBE
 Phone Number of Owner 485-7607 10. _____
 Address of Property Owner WALTON KY 41094
 City State Zip
 11. Proposed Use(s) on Site ANOTHER RESIDENCE
 12. Total Square Footage of Existing and/or Proposed Buildings _____
 13. Current Zoning on Property RECREATIONAL
 14. Deed Book 204/197 Page No. 618/425 Group No. 2077-B
 15. Is the site subject to a zone change? _____
 If yes, give date of approval _____
 16. Have you submitted a Site Plan with this request? _____
 17. Have you submitted a list of adjoining property owners with this request? _____
 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

(NOW OAK CREEK R)

Applicant's Signature: Celine Luebbe

Property Owner's Signature: Celine Luebbe

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

RA 26331
(#350.00)
RA 26313

1. Date Received 12-18-00 Fee Received \$ 514.00
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: _____

Action of Walton BOA: Conditional Use and Variances approved with the conditions that the site is provided with public water and sewer and that all other necessary permits and approvals are obtained (especially the encroachment permit and waiver).

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail

www.boonecountyky.org**

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: Celine Luebbe
LOCATION: 13333 Oak Creek Road
Walton, Kentucky
ZONING: Recreation (R)
DATE: February 7, 2001

Proposal

The applicant is requesting a Conditional Use Permit and Variances in order to allow the construction of a single-family dwelling which meets the Suburban Residential One (SR-1) setback requirements. The site contains 1.516 acres and is located at 13333 Oak Creek Road in a Recreation (R) district. The proposed site plan depicts a home located thirty feet (30') from the front lot line and ten feet (10') from the side lot line. The applicant submitted Exhibits A, B, C, and D as part of the application.

Exhibit A - Site Plan for the property.

Exhibit B - List of adjacent property owners.

Exhibit C - Deed for the fifteen (15) acre parcel.

Exhibit D - Deed for the three (3) acre parcel.

Applicable Regulations

Article 7, Section 713 of the Boone County Zoning Regulations permits "*Any principally permitted uses of Agriculture (A-1) numbered 1-10*" as a conditional use in the Recreation District.

Article 6, Section 611 of the Boone County Zoning Regulations permits "*Single Family dwelling units*" as a principally permitted use within the Agriculture (A-1) District.

Article 31, Section 3113 of the Boone County Zoning Regulations stipulates that single family detached dwellings within the Agricultural or Residential Zones shall be required to be individually placed on single lots of record. Therefore, single family detached dwellings within the Recreation District do not have to be placed on single lots of record.

Article 32, Section 3217 of the Boone County Zoning Regulations states that, "*All driveways and intersecting roadways shall be designed and located so that the minimum sight distance shown in Table 32.3 and 32.4 are provided.*"

Article 32, Section 3239 of the Boone County Zoning Regulations allows the Planning Commission to waive or modify, with conditions, the requirements of Article 32, if it is

determined that such action is warranted given the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations.

Section 315 of the Boone County Subdivision Regulations (d) pertains to flag lots and reads, ***“Flag lots are not permitted in the City of Walton.”***

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 713 of the Boone County Zoning Regulations:

Findings listed in Section 262:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County’s comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 7, Section 713 of the Boone County Zoning Regulations allows single family dwelling units as a conditional use in the Recreation (R) district if the proposed facility meets all of the following requirements:

- a. the activity is of integral relation to and directly in support of the recreation activity, or
- b. the use, building, or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district;
- c. the activity is necessary to serve the specified public or membership engaged in the principal purpose 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 or immediate environs surrounding; and
- d. provided the arrangement of use, building, or structure is mutually compatible with the organization or permitted and accessory uses to be protected in the district.

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. A variance is defined as a departure from the 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 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 contained in 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 contained in 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

To the north of the site are single family homes zoned Suburban Residential One (SR-1) Salem Church is located to the east and is also zoned Suburban Residential One (SR-1). South and west of the site are the Oak Creek Campground and a single family home zoned Recreation (R).

Staff Concerns/Comments

1. Although the applicant is not required to place the proposed single family dwelling on a separate lot in accordance with Article 31, Section 3113 of the BCZR, it is important to note that the concept plan for the proposed use depicts a survey of a lot that has not been approved by the Boone County Planning Commission. As the submitted plan serves as a basis for the applicant's request, areas of concern regarding the submitted concept plan should be noted and include: (a) the dedicated right-of-way for Oak Creek Road being shown as being part of the lot and setback for the home, and (b) the plan depicting the site as a flag lot which is not permitted in the City of Walton per Section 315 of the Boone County Subdivision Regulations.
2. The proposed single-family dwelling, located within the Recreation (R) District, is adjacent to single family homes within the Suburban Residential One (SR-1) District. Therefore, in order to make the home compatible with the surrounding single family land uses, the applicant has proposed to develop the lot in accordance with the dimensional standards contained within the Suburban Residential One (SR-1) District. As the front, rear, and side yard setbacks are fifty feet (50') when a Recreation (R) District abuts another Recreation (R) District or Suburban Residential One (SR-1) District, the applicant is requesting a 20 ft. (or 40%) front yard variance from 50 ft. to 30 ft. and a 40 ft. (or 80%) side yard variance from 50 ft. to 10 ft. Although, the variances requested are significant departures from the regulations, it should be noted that the amount of land, vegetation, and topography separating existing uses in the area would allow the proposed use to develop without changing the overall rural character of the area.

3. The site is located in a curve of Oak Creek Road and characterized by steep topography which limits the building location for the home and visibility for cars entering or leaving the proposed driveway. Due to these site conditions and the applicant's proposal to create a driveway access directly onto Oak Creek Road, the sight distance requirements contained in Section 3217 of the Boone County Zoning Regulations cannot be met.
4. As the site is wooded and contains steep topography, construction of a home in this area will require more extensive grading and removal of natural vegetation. For these reasons it is important that the applicant avoid excessive cut and fill activities and restrict the loss of natural vegetation during the construction of the home in order to eliminate potential drainage and erosion problems.
5. Although the site is not currently served with public utilities, water and sewer is available within several hundred feet of the applicant's proposed lot. Should the request for a conditional use and variance be granted, it is important that the applicant obtain approval for the extension of these services in order to adequately provide the property with these essential utilities.

Conclusion

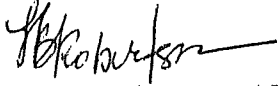
KRS 100.237 and Sections 260 and 713 of the Boone County Zoning Regulations give the Walton Board of Adjustment and Zoning Appeals the authority to grant a conditional use permit to construct a single family home in the Recreation (R) district. In addition, KRS 100.100.241 to 100.247 and Section 250 of the Boone County Zoning Regulations give the Walton Board the authority to grant variances from front and side yard setbacks.

While it is not anticipated that the proposed use will be detrimental to the character of the area, it is the staff's opinion that the proposed driveway has the potential to create a traffic hazard along Oak Creek Road which will be harmful to neighboring uses. In addition, it is uncertain whether the plat of the lot will be approved by the Boone County Planning Commission as submitted and if appropriate utilities can be provided to the site. Therefore approval of the conditional use permit and variances is not recommended unless the applicant can meet the following proposed conditions of approval:

1. should the applicant decide to subdivide the lot (although not required to), the plat must be approved by the Boone County Planning Commission in accordance with KRS 100.277 and the Boone County Subdivision Regulations;
2. the site must be provided with public utilities;
3. the hazards of constructing a driveway from the house directly onto Oak Creek Road must be eliminated either by reconfiguring the lot (without creating a flag lot) to permit shared access of the driveway currently used by the existing residence and campgrounds, OR a waiver obtained by the applicant from the Planning Commission in accordance with Article 32, Section 3239 of the Boone County Zoning Regulations (Note: such requests are typically not granted);
4. the existing topography and vegetation of the site is preserved to the greatest extent possible in order to retain the rural character of the area and to prevent the adverse effects of storm water runoff and erosion. Construction techniques that minimize erosion and

preserve existing trees and vegetation should be employed during the construction of the home in accordance with Section 325 of the Boone County Subdivision Regulations.

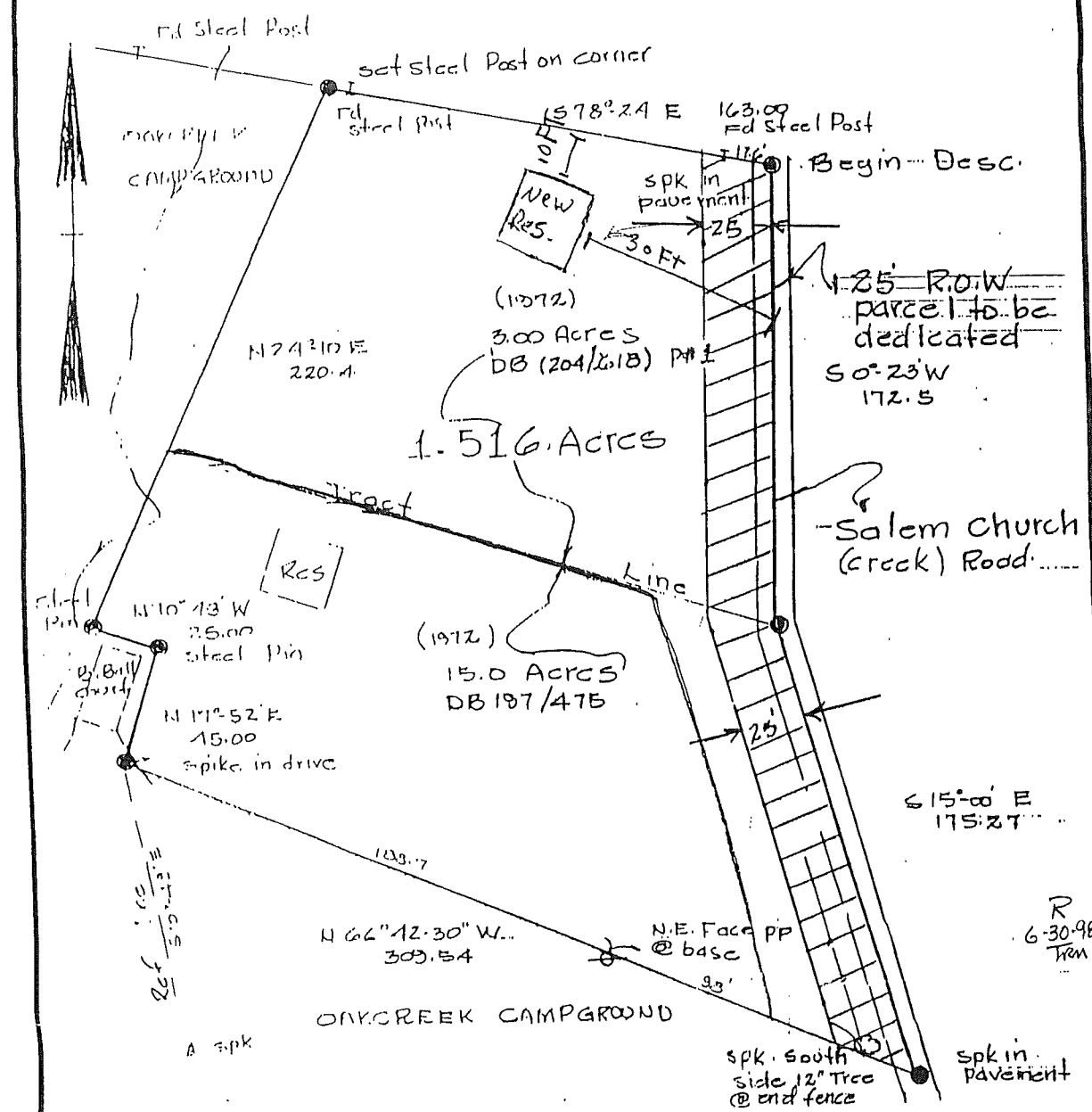
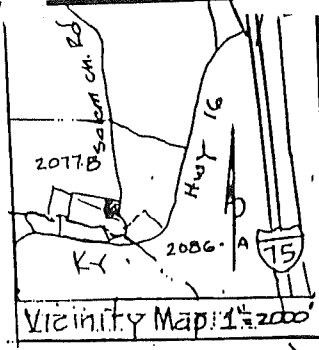
Respectfully submitted,



Lara B. Robertson, AICP

Attachments

- Exhibit A - Site Plan for the property.
- Exhibit B - List of adjacent property owners.
- Exhibit C - Deed for the fifteen (15) acre parcel.
- Exhibit D - Deed for the three (3) acre parcel.
- Exhibit E - Zoning Map for the parcel.
- Exhibit F - Site vicinity map for the parcel.
- Exhibit G - Topographical map for the parcel.



STATE OF KENTUCKY
 DAVID S. WALTON
 310
 REGISTERED
 LAND SURVEYOR

PLAT - SURVEY OF 1.516 ACRES, PART OF DAK CREEK CAMPGROUND, WALTON, BOONE CO., KY. FOR CELINE LUEBBE		
SCALE: 1" = 50'	APPROVED BY: FB 184/45/Gip. 2077B	DRAWN BY
DATE: June/98		REVISED
Part of 3.00 Acres DB 204 PA 18 and 15.0 Acres DB 191 PA 15. Boone Co. Records at Burlington, KY.		
WALTON & WALTON, ENGINEERS-SURVEYOR, BOX 216, BURLINGTON, KY, 606-586-6017,		DRAWING NUMBER

R
6-30-98
TWM



Ruth Worland
13229 Oak Creek Rd
Verona, Ky 41092

Salem Baptist
Church
~~Route~~ Merita Stewart
Race St
Dry Ridge, Ky

Sharon Mc Donald
Oak Creek Campground
PO Box 161 Walton Ky
485-9131

DEED

KNOW ALL MEN BY THESE PRESENTS: That

GAINES LEVI ROBINSON, Jr., and SHIRLEY JEAN ROBINSON

for and in consideration of \$ 15,000.00 dollars and other good and valuable consideration to them paid by EDWARD P. LUEBBE and wife, ~~XXXXXXXX~~ CELINE LUEBBE

Property Transfer Tax Paid \$ 15.00
JERRY W. ROUSE, Clerk D. G.

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said Edward P. Luebbe and wife, Celine Luebbe, jointly, with remainder in fee simple to the survivor of either of them, his or her

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

Located generally on the West side of the Salem Church Road North of and near its intersection with Kentucky State Highway # 16 and about a mile West of Walton and described particularly thus; BEGINNING at the intersection of the common line of the properties now or formerly owned by Gaines L. Robinson (D.E. 119, page 302) and George W. Alexander (D.E. 155, page 60) with the centerline of the Salem Church Road; thence with lines of said Alexander S 22 - 30 W 175.0 feet, S 53 - 55 E 122.8 feet; thence S 84 - 30 W 97.0 feet to a point in a line of the North line of the Old Walton-Verona Road; thence therewith N 67 - 15 W 101.6 feet, N 75 - 00 W 198.4 feet; thence leaving said road N 15 - 00 W 156.4 feet to a point North of Salom Creek; thence running along and on the North side of Salem Creek, N 63 - 45 W 209.2 feet, N 75 - 35 W 144.0 feet, S 73 - 40 W 162.9 feet, N 65 - 00 W 118.5 feet, N 83 - 00 W 136.0 feet, N 88 - 40 W 366.7 feet, N 80 - 15 W 165.0 feet; thence N 8 - 00 E 523.25 feet to a corner with the remaining lands of Robinson; thence with a line of said remainder, S 72-20 E 1595.9 feet to the center of said Salem Church Road; thence along the centerline of said road, S 15 - 00 E 221.9 feet to the place of beginning containing 15.00 acres, subject to legal highways and easements of record and in existence.

The above described parcel of land comprises part of Tract I of 100 acres conveyed to Gaines L. Robinson by Glass in deed recorded in Deed Book 119, page 302 of the Boone County Clerk's records at Burlington, Ky.

There is reserved from the above described parcel of land a 30 foot wide easement which is retained by the grantors herein, to wit;

The grantors herein retain an easement for purposes of egress and ingress to and from other lands which they own over and across the following described strip of land which lies in the SouthWest corner of the above described 15 acre tract. Said strip of land is described as follows: BEGINNING at the SouthWest corner of the above described land; thence with the West line thereof, N 8 - 00 E 30 feet; thence S 80 - 15 E 164 feet, S 88 - 40 E 300 feet; thence S 8 W 30 feet to the South line of said 15 acre parcel; thence N 88 - 40 W 300 feet, N 80 - 15 W 165.0 feet to the place of beginning.

GROUP # 2077

Being part the same property conveyed to the Grantor by same by deed dated 5 day of February 19 63 and recorded in deed book 157 page 100 in the

office of the Clerk of the Boone County Court, Burlington, Kentucky. Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said Edward P. Luebbe and wife, Celine Luebbe, jointly, with remainder in fee simple to the survivor of either of them, his or her

South 64° 30' West 10.2 feet; thence

heirs and assigns forever, with covenants of general warranty.

In witness whereof the said **Gaines Levi Robinson, Jr., and wife, Shirley Jean Robinson**

hereunto set their hands this 10th day of April, 1969

Gaines Levi Robinson Jr.
Shirley Jean Robinson

STATE OF KENTUCKY, SCT.
County of Boone.

I, **John O. McEvoy** a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from **Gaines Levi Robinson, Jr., and wife** to **Edward P. Luebbe and wife, Celine Luebbe** was this day presented to me in my county by the parties and then and there acknowledged by the said **GAINES LEVI ROBINSON, JR., and SHIRLEY JEAN ROBINSON** to be

their act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal of office this 10th day of April, 1969

My commission expires 11/20/60

John O. McEvoy
Notary Public.

WARRANTY DEED

GAINES LEVI ROBINSON, Jr.
SHIRLEY JEAN ROBINSON

EDWARD P. LUEBBE
CELINE LUEBBE

Edward P. Luebbe
Celine Luebbe

Acknowledged 1-10-72
J. W. Rouse

Left for Record 4-14-69

By *Jerry W. Rouse* Clerk
Shirley Jean Robinson D. C.

Recorded in Deed Book 185 Page 475
Recording \$ 3.60 Stamps \$ 15.00

STATE OF KENTUCKY, }
COUNTY OF BOONE, } SCT.

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 10th day of April, 1969, at 4:00 P. M. lodged in my office for record, whereupon the same, the foregoing, and this certificate have been duly recorded in my office.

Given under my hand, this the 10th day of April, 1969.

JERRY W. ROUSE, Clerk
By *Jerry W. Rouse* D. C.

John O. McEvoy, Not. at 144
Florence, Ky.

Know All Men By These Presents:

CLERK'S OFFICE
LONG ★ FORM
DEED

That GAINES LEVI ROBINSON, JR. and SHIRLEY JEAN ROBINSON, his wife,

for and in consideration of \$7,000.00 to them paid by the grantors herein, the receipt of which is acknowledged, do bargain, sell, and convey to: EDWARD LUEBBE and CELINE LUEBBE, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

That said grantors assigns forever, the following described Real Estate, in the City of

County of ~~WARRICK~~ Boone and Commonwealth of Kentucky, to-wit:

Group No. 2077

Present Street Address

Plat No.

Mailing Address Box 101 WARRICK KY 40354

PARCEL NO. 1:

Located generally in Group No. 2077, on the West side of the Salem Church Road about 0.2 mile North of Kentucky Route 16 and described thus; BEGINNING at a spike on the most Northeastly corner of the tract of 15.0 acres conveyed by G. L. Robinson to Ed Luebbe in Deed Book 197 at Page 475, in the center of said Salem Church Road; thence running along the center of said road, N 0-23 E 172.5 feet; thence leaving said road and running on lines partitioning the G. L. Robinson 100 acre tract, N 78-24 W 1552.61 feet to the Northwest corner of said 15 acres tract; thence with the North line thereof, S 72-20 E 1595.9 feet to the place of beginning containing 3.0 acres and subject to legal highways and legal easements of record and in existence.

PARCEL NO. 2:

Located generally on the North side of Kentucky State Highway #16 about a mile Southwest of Interstate Highway #75 and on Salem Creek and described thus; BEGINNING at the Northwest corner of a parcel of 15.0 acres conveyed by Gaines L. Robinson to Edward Luebbe et al in Deed Book 197, at Page 475; thence with the West and South lines of said parcel, S 8-00 E 523.25 feet to a point North of Salem Creek; thence running along and North of said creek and continuing with the lines of said 15.0 acre parcel, S 80-15 E 165.0 feet, S 88-40 E 366.7 feet, S 83-30 E 136.0 feet, S 65-0 E 118.5 feet, N 73-40 E 162.9 feet, S 75-35 E 144.0 feet, S 63-45 E 209.2 feet, crossing said creek; S 15-00 E 156.4 feet to a point in a widened right-of-way section line of Kentucky Highway #16; thence running parallel to and 55 feet North at right angles of the centerline thereof, N 75-0 W 111.0 feet; thence S 9-0 W 25.0 feet to a point in the right-of-way line of said highway 30 feet from centerline; thence running with chords and tangents of a curve in said right-of-way line, N 78-20 W 413.2 feet, N 81-50 W 104.5 feet, S 87-5 W 201.4 feet to a point therein 30 feet from centerline a corner with an excepted parcel of 3.14 acres; thence with lines of said parcel, N 12-55 W 137.0 feet, N 86-45 W 133.0 feet, N 81-10 W 132.0 feet, S 87-5 W 231.0 feet to a 40" diameter Sycamore on the South side of Salem Creek; thence crossing said creek and continuing

with lines of said 3.14 acres parcel, N 6-10 W 49.0 feet to a 24" diameter Oak, N 48-45 W 119.0 feet to a 14" diameter Buckeye tree, N 69-0 W 65.3 feet to a corner of said excepted parcel in the West line of the original Robinson 100 acre tract; thence running with said West lines, N 6-30 W 152.0 feet to a point in a branch, N 34-20 W 81 feet or sufficient to reach a stake in said line; thence running on lines partitioning said 100 acre tract, N 11-30 E 275.0 feet to a stake, S 78-24 E 290 feet or sufficient to reach the place of beginning containing 7.2 acres and subject to legal easements of record and in existence.

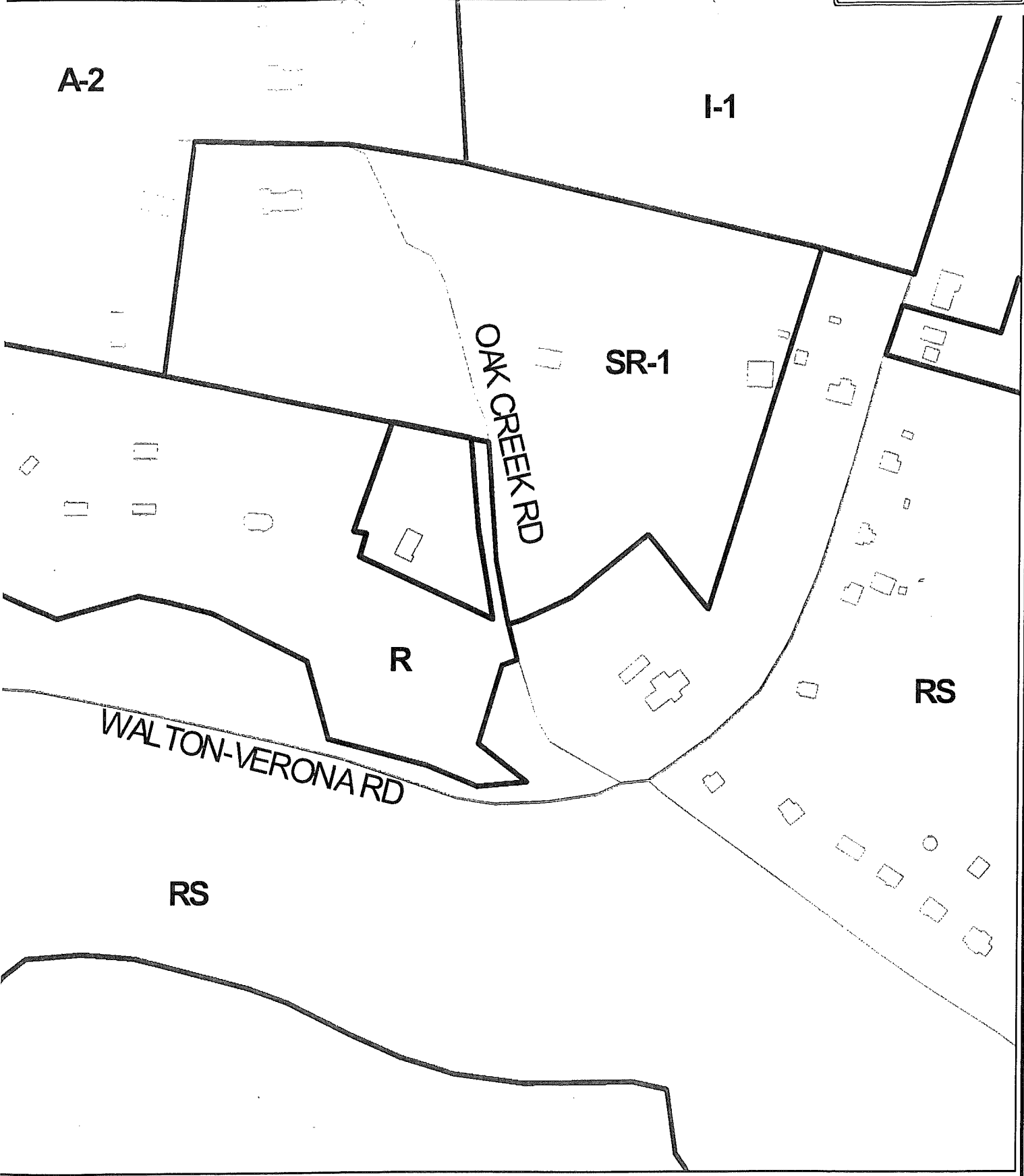
The above two descriptions were prepared by Noel Walton, Ky. Reg. C.E. and L.S. from surveys made by David G. Walton, Ky. Reg. C.E. and L.S.

Being part of the same property conveyed to the grantors herein by Gaines Levi Robinson, Jr. and Shirley Jean Robinson by deed dated the 5th day of February, 1963, and recorded in Deed Book 157, Page 100, of the Boone County Court Clerk's Records, at Burlington, Kentucky.

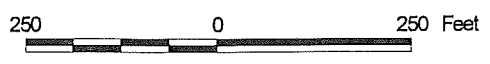
Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said EDWARD LUEBBE and CELINE LUEBBE, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns, forever, the Grantors, their heirs, executors and administrators, HEREBY COVENANTING with the grantees, their 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.

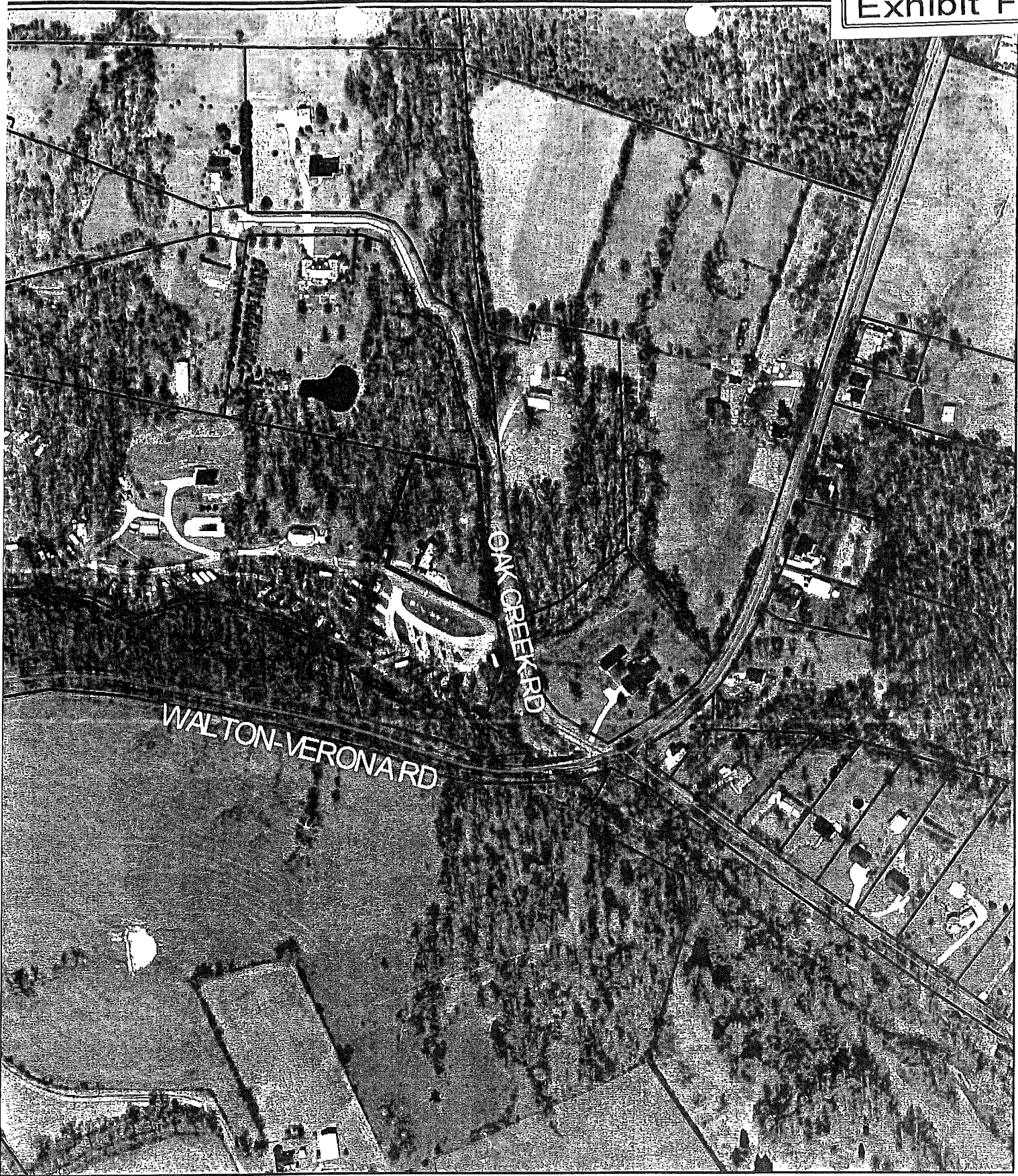


Luebbe Property Zoning Map



1 inch equals 250 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 26, 2001

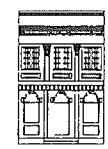




Luebbe Property Site Vicinity Map

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 26, 2001

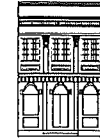




Luebbe Property Topographical Map



1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 26, 2001



COPY

CLUR #01-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Celine Luebbe
13333 Oak Creek Rd.
Walton, KY 41094

2. ADDRESS OF PROPERTY

Oak Creek Rd.
Walton, KY 41094

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

4. DEED BOOKS 204, 197

PAGES 618, 475

GROUP NO. 2077B

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

___ Zoning Map Amendment:
From ___ To ___

X Conditional Use Permit

___ Development Plan

___ Conditional Zoning

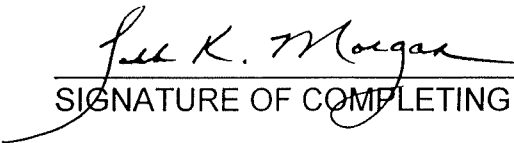
___ Subdivision Plat
(Not Recorded)

___ Other:

X Variances

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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

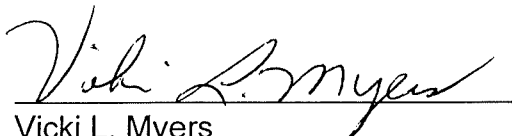

SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

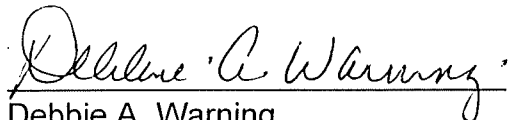
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 13 day of February, 2001.


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:


Debbie A. Warning
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 and Variances approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of February 7, 2001 Certificate of Land Use Restriction (#01-WBOA-001-A), for Celine Luebbe, Property Owner(s).

The following conditions will apply:

1. Applicant must obtain other county permits that might be required.
2. Applicant must tie into the Walton public water and sewer system.

The approved Conditional Use Permit and Variances as well as the preceding conditions apply to the property described in:

DEED BOOKS 204, 197

PAGES 618, 475

GROUP NO. 2077B