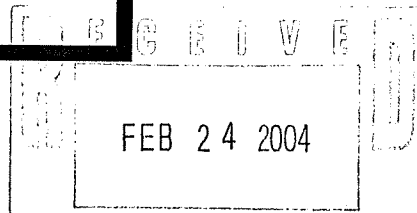


APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Name of Project THE MARIE BOELSCHER LANDS
2. Location of Project 8496 East Bend Road, near Kelly Road
3. Total Acreage of Site 12.9 acres
4. Current Zoning of Site A-1 & SR-1
5. Proposed Zoning (Classification being requested) A-2
6. Proposed Uses (please specify each use) All are used as residential real property
7. Names of Applicant(s) Victor L. Boelscher and Mary A. Lane  
Phone Number 859-586-8780 Fax No. \_\_\_\_\_
8. Address of Applicant(s) VIC-8496 East Bend RD MARY-10407 Blacksmith Place  
Burlington, KY 41005 Florence, KY 41042  
City State Zip
9. Name of Property Owner(s) Same as applicants  
Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
10. Address of Property Owner(s) \_\_\_\_\_  
City State Zip
11. Proposed Building Intensities (please specify) 1 home per 2 acres
12. Are there any existing buildings on the site? Yes  
How many? 3 houses, 1 barn, 1 shed
13. Deed Book 209 Page No. 298/303 Group No. 2045
14. Are you also applying for: See also Affidavit of Descent Misc 975/875  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance
15. Have you submitted a Concept Development Plan? Not Required
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water District
- \_\_\_\_\_ Florence Water and Sewer Dept.
- \_\_\_\_\_ Cinergy/U.L.H.&P. Co.
- \_\_\_\_\_ Sanitation District #1
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen County Rural Electric
- \_\_\_\_\_ Boone County Public Works Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ City of Florence Public Services Department
- \_\_\_\_\_ Boone County Building Department

(over)

EXHIBIT

“A”

## STAFF REPORT

The request of Victor L. Boeschler and Mary A. Lane (owners) for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for 7.8 acres of the site, and a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for 5.1 acres of the site, both for a total 12.9 acre site located at 8496, 8538, and 8554 East Bend Road, Boone County, Kentucky. The request is for two zone changes to allow residential uses.

April 21, 2004

### REQUEST

The applicants have requested a Zone Change to Agricultural Estate (A-2) for 12.9 total acres, taken from two existing lots. The eastern lot totals 43.04 acres, and the western parcel is 44.14 acres. From these two parcels, 5.1 acres that is currently zoned Suburban Residential One (SR-1) is included in the request. Seven point eight (7.8) acres, zoned Agriculture (A-1) is also included in the request. Through this zone change, the 12.9 acres under review would be re-conveyed into three total lots: 2 parcels, each 2 acres in area; and an 8.9-acre parcel. The proposed Zone Change would correct a non-conforming land use, as there are currently 2 houses located on the 7.8 acre portion of the western lot. Section 3113 of the Boone County Zoning Regulations requires that only one single-family dwelling unit be located on an individual lot of record. Through this Zone Change, each of the 2 houses in question would be located on its respective 2-acre lot. A third house would be located on the proposed 8.9 acre lot.

### SITE CHARACTERISTICS:

The topography of the parcels in question slopes very gently, with elevations ranging from 800 to about 828 feet above sea level. The majority of the site is close to level, with slopes of about 2percent to 4 percent. Part of a ridge top is found at the southern property boundaries of the proposed parcels. Slopes on this ridge top range from about 17percent to 23 percent. A pond is located on the 5.1 acres of the eastern parcel under review. There is a barn and a house on this parcel as well. Two houses are located on the 7.8 acres of the western parcel, as indicated above. Each of the three houses has its own existing driveway off East Bend Road. A stand of mature trees is located at the rear of the proposed parcels.

### ADJACENT LAND USES:

- **North:** Three single-family residences on estate-style lots, not part of a formal subdivision, zoned Agricultural Estate (A-2)

- Agricultural property, zoned Agriculture (A-1)
- **South** Agricultural property, zoned Suburban Residential One (SR-1) and Agriculture (A-1)
- **East** Agricultural Property with frontage on East Bend Road, zoned Suburban Residential One (SR-1)
- **West:** Agricultural Property with frontage on East Bend Road, zoned Agriculture (A-1)

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map of the 2000 Boone County Comprehensive Plan designates the majority of the property in question as Rural Density Residential, which is defined as follows:

"Low density residential uses of up to one dwelling unit per acre, which are not part of a formal subdivision (p. 158 '2000 Existing and Future Land Use Classifications')."

A small portion of the site, approximately 1.25 acres located at the eastern property boundary of the 5.1 acres, is designated as Rural Land. This is defined as

"Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in subdivisions (p. 157 '2000 Existing and Future Land Use Classifications')."

The text of the Land Use Element states the following regarding the general area of East Bend Road, in which the parcels are located:

"This section of Boone County contains a substantial portion of East Bend Road. The greatest amount of growth in this section should occur along East Bend Road, mostly in the form of Open Space Design Residential development. The location and number of driveways should be controlled, and, where possible, driveways should be shared. This development will require the realignment and improvement of East Bend Road. As shown on the Future Land Use Map, much of this area should be evaluated for an Open Space Design Incentive Area. The small community of Waterloo may receive some limited residential growth as a result of growth in the Belleview and Burlington areas (p. 178 'East Bend Road Area')."

The following quote, taken from the Housing Element, is applicable to this site:

"The roads in this area are not suitable for large scale residential development. The historic character of Petersburg, Belleview, and McVille should be retained and protected from new development pressures. Localized Transfer of Development Rights programs should be investigated for the areas immediately surrounding these towns to continue the grid pattern of the towns while resulting in little housing development on the hillsides or bluff areas. Open Space Subdivision should be the norm rather than the exception in this area. Sewer for these town expansions should go to the proposed Sanitation District No. 1 plant but not serve any additional area. Alternate traffic routes, other than through the center of Burlington, will be needed to support any significant residential developments along East Bend Road or KY 18 west of Burlington (p. 88, 'Petersburg-Belleview, Western Area')."

These quotes from the Goals and Objectives of the 2000 Comprehensive Plan apply:

- A. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhoods ('Overall' Objective 1, p. 4)."
- B. "Proper design principles shall be applied in development ('Overall' Objective 3, p. 4)."
- C. "Future growth shall be accompanied by adequate infrastructure and services ('Overall' Objective 6, p. 4)."
- D. "Boone County shall strive to achieve both a diversity and balance in land use ('Overall' Objective 6, p. 4)."
- E. "The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ('Population' Goal, p. 5)."
- F. "New development or redevelopment within Boone County is designed, constructed, and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life (Environment' Goal, p. 5)."
- G. "A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ('Housing' Objective 1, p. 9)."
- H. "The maintenance of sound existing housing, as well as the rehabilitation of deteriorating housing, shall be encouraged ('Housing' Objective 3, p. 9)."

- I. "Housing supply in Boone county shall be balanced against present and planned commercial, industrial, and education bases. Primary and secondary education capacity shall be a component of housing development review ('Housing' Objective 4, p. 9)."
- J. "In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to type of dwelling unit ('Housing' Objective 5, p. 9)."
- K. "Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including suitability of adjoining lands for appropriate access and significant site features ('Housing' Objective 13, p. 10)."

#### STAFF COMMENTS/CONCERNS

- 1. The Boone County Planning Commission and Boone County Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues raised in this review include the following:
  - A. The Future Land Use Map designates most of the property as Rural Density Residential, allowing up to one dwelling unit per acre. A small portion of the site is classified as Rural Lands, which is applied to wooded, agricultural, and low density residential development occurring outside of a subdivision. The Land Use Element notes that Open Space Subdivisions are appropriate for this area and that the number of driveways encroaching upon East Bend Road should be limited.
  - B. The Housing Element states that if large scale residential development occurs on East Bend Road, an alternate traffic route to KY 18 will need to be implemented.
  - C. The Goals and Objectives of the Housing Element call for a broad range of housing opportunities for Boone County Residents and for the preservation of existing housing stock.
- 2. The lots that will be created through the proposed Zoning Map Amendment will correct an existing non-conforming land condition. As noted above, there are currently 2 houses located on the 7.8 acre portion of the western lot. Under Section 3113 of the Zoning Regulations, no more than one single-family dwelling unit is permitted per parcel. The proposed Zoning Map Amendment would create 3 total

parcels, with a single-family residence on each of the respective parcels.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment. The Future Land Use Map will not need to be changed if the request is approved.

Respectfully Submitted,

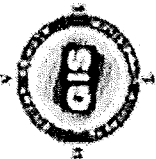
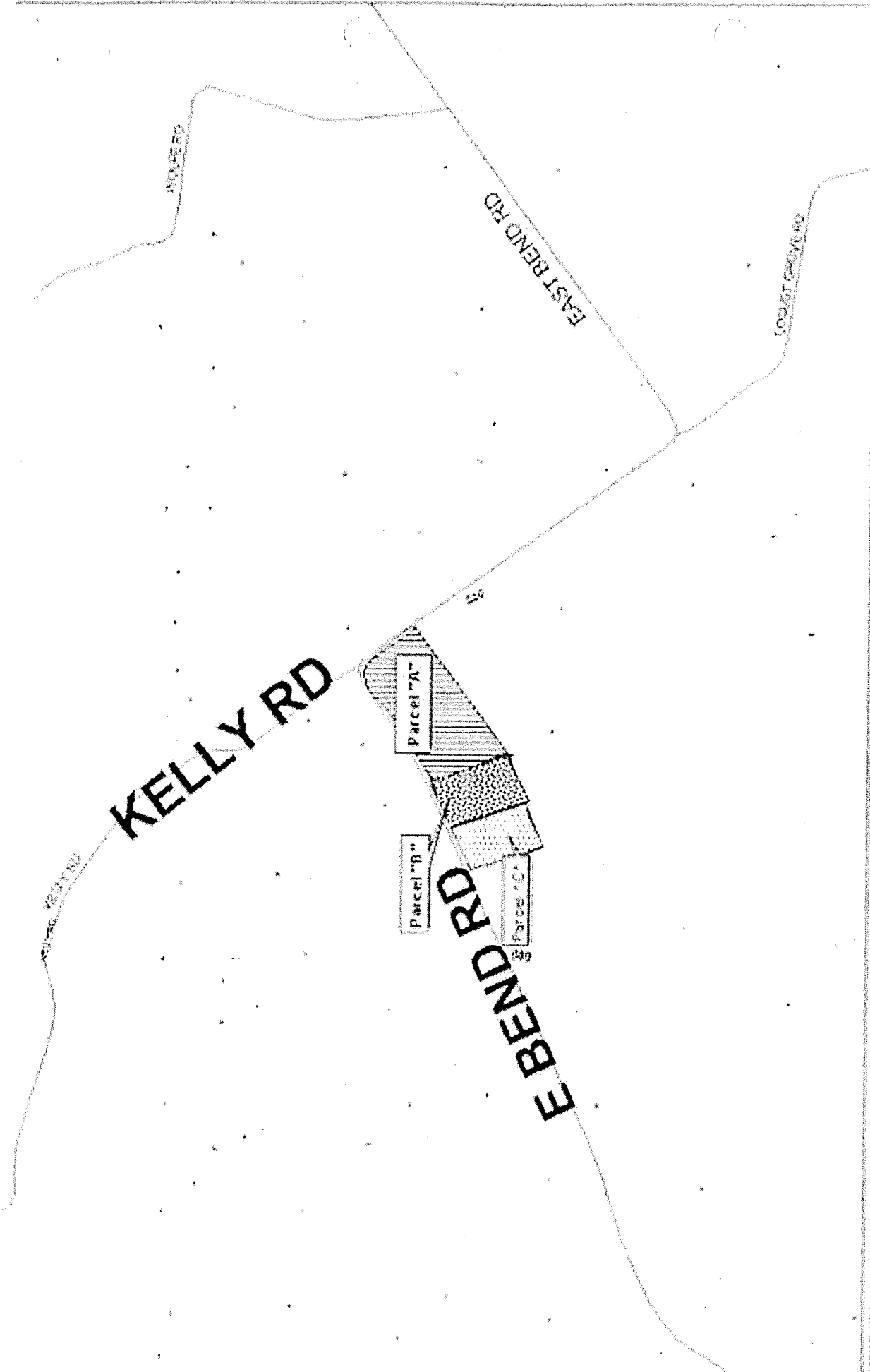


Patty Bachman  
Planner

PB/pr

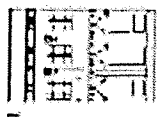
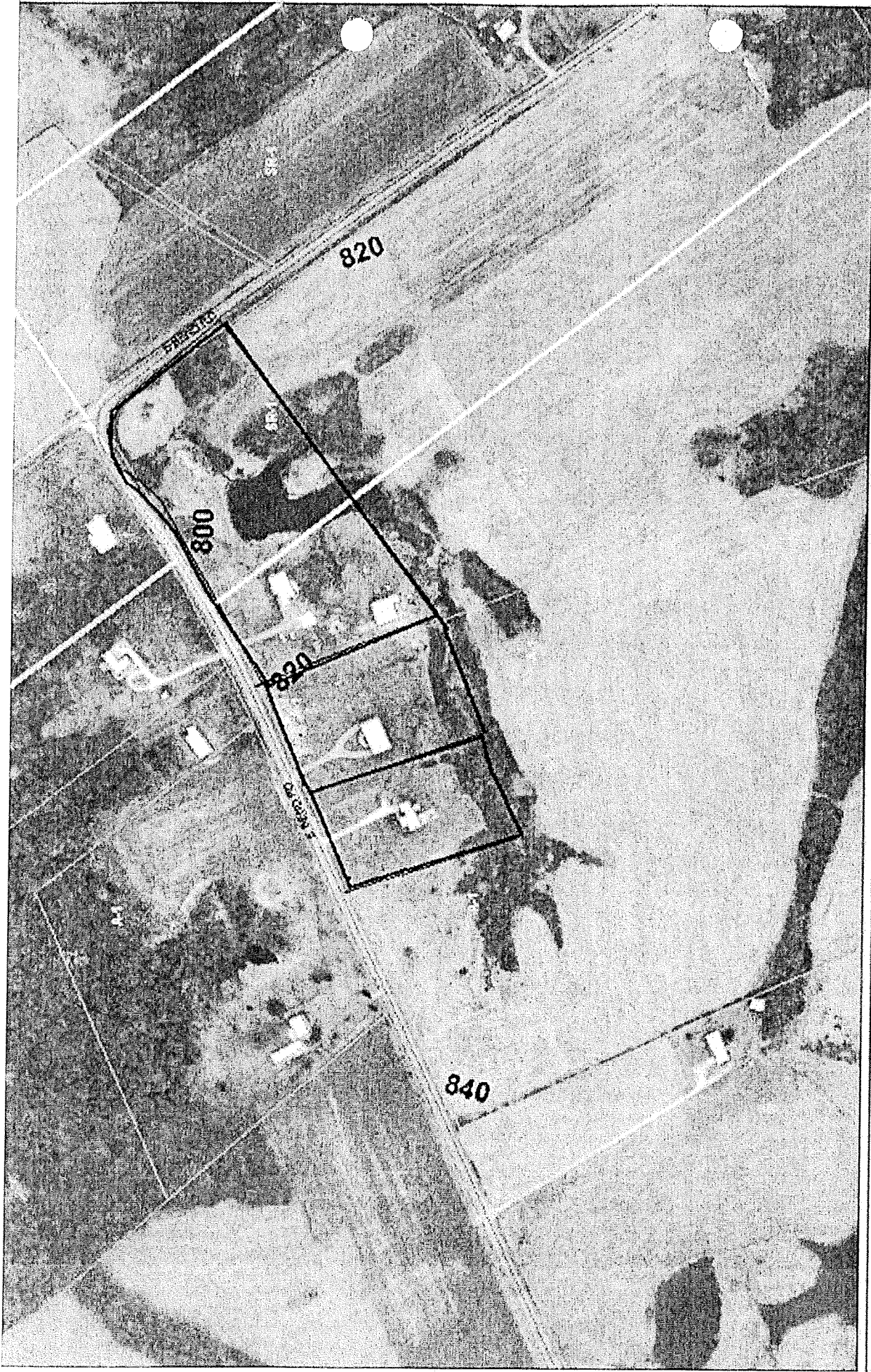
Attachments:

- vicinity map
- aerial photos
- future land use map excerpt
- site topography
- application materials



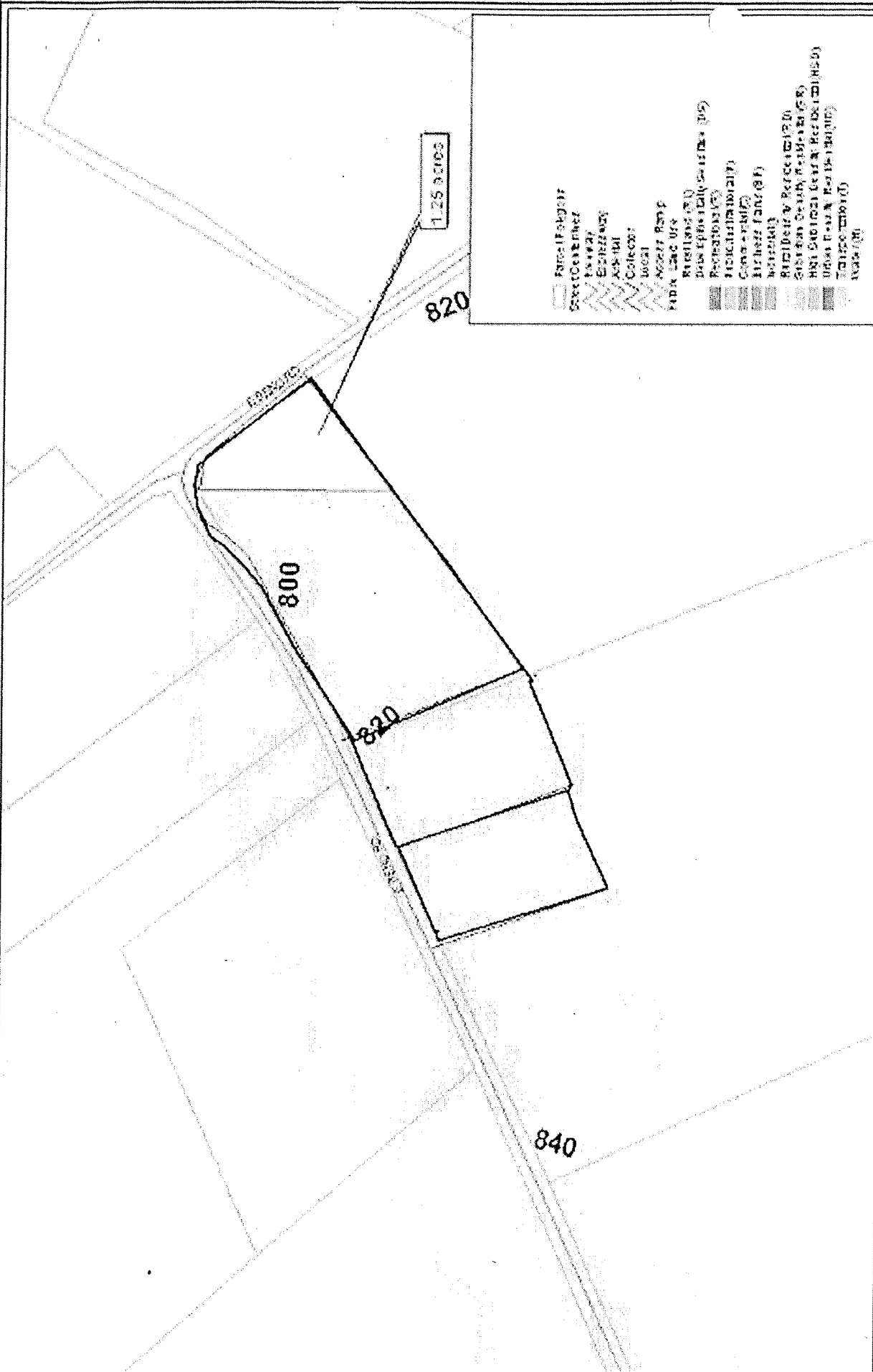
PROJECT TITLE: ZMA  
 PREPARED BY: GIS  
 DATE: 08/15/2001

# Boeschler ZMA-Vicinity Map

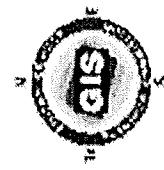


1:60,000 Scale  
 200 Feet  
 0 100 200 Feet  
 GIS Center  
 Local County Planning Commission  
 April 15, 2004

# Boeschler-Zoning

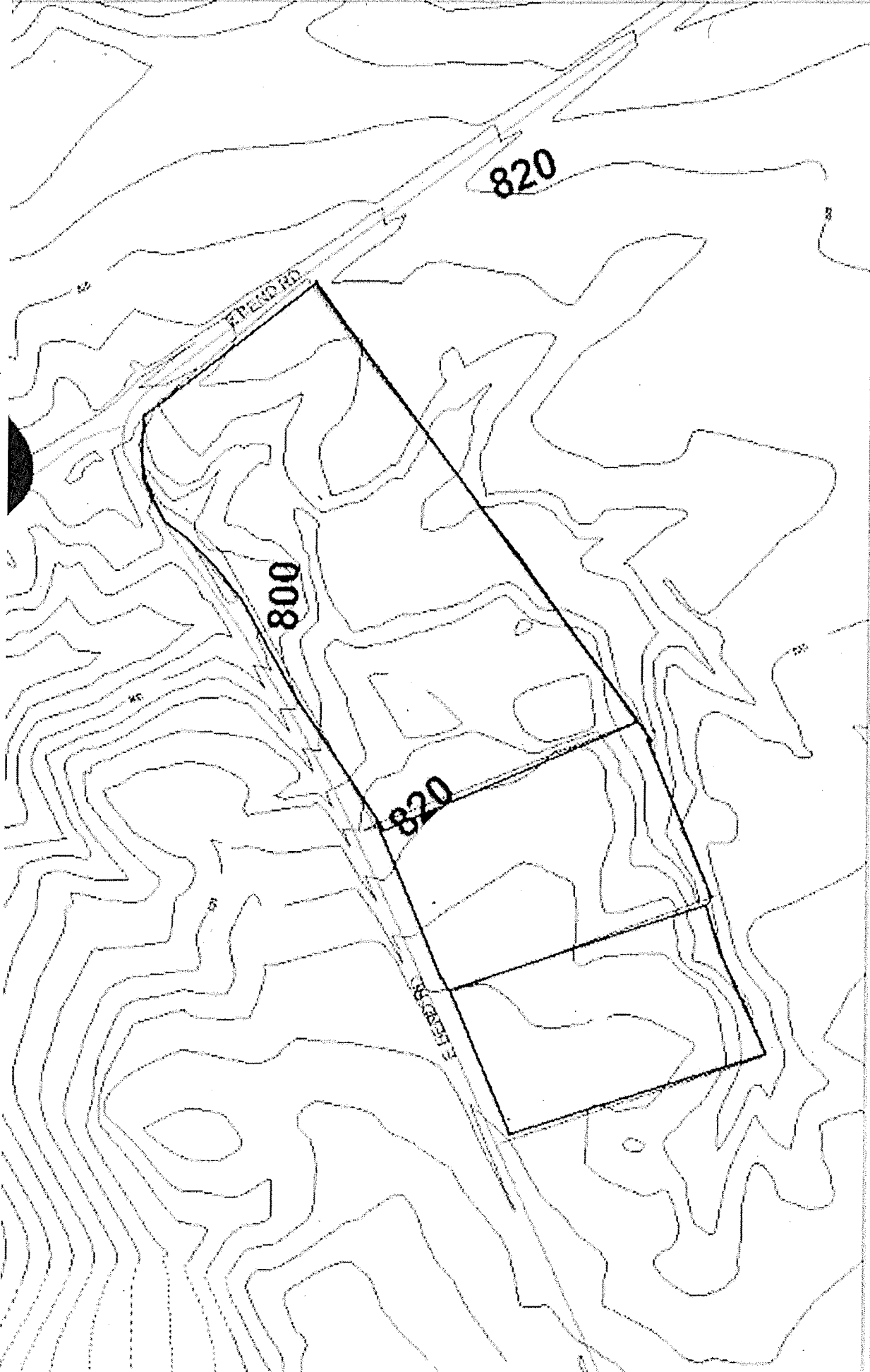


- Parcel Boundary
- Street Centerline
- Highway
- Electricity
- Acres 1/4
- College
- Local
- Neighborhood
- Public Land Use
- Residential (R)
- Business (B)
- Professional (P)
- Community (C)
- Com. Serv. (S)
- Highway (H)
- Industrial (I)
- Office (O)
- Government (G)
- High Density Residential (HD)
- Urban Fringe Residential (UR)
- Unimproved (U)
- Water (W)



Scale: 1 inch = 200 feet  
 Prepared by:  
 Boone County Planning Commission  
 GIS Services Bureau  
 April 16, 2001

# Boeschler ZMA-Future Land Use



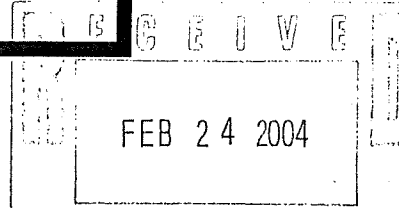
Scale: 1 inch equals 200 feet  
 Prepared by:  
 Fort Collins Planning Commission  
 GIS Center Suite 61  
 April 15, 2004

# Boeschler ZMA-Contours



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project THE MARIE BOELSCHER LANDS
2. Location of Project 8496 East Bend Road, near Kelly Road
3. Total Acreage of Site 12.9 acres
4. Current Zoning of Site A-1 & SR-1
5. Proposed Zoning (Classification being requested) A-2
6. Proposed Uses (please specify each use) All are used as residential real property
7. Names of Applicant(s) Victor L. Boelscher and Mary A. Lane
8. Address of Applicant(s) VIC-8496 East Bend RD Burlington, KY 41005
9. Name of Property Owner(s) Same as applicants
10. Address of Property Owner(s)
11. Proposed Building Intensities (please specify) 1 home per 2 acres
12. Are there any existing buildings on the site? Yes
13. Deed Book 209 Page No. 298/303 Group No. 2045
14. Are you also applying for: See also Affidavit of Descent Misc 975/875
15. Have you submitted a Concept Development Plan? Not Required
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Water and Sewer Dept.
Cinergy/U.L.H.&P. Co.
Sanitation District #1
Cincinnati Bell
Owen County Rural Electric
Boone County Public Works Department
Kentucky Transportation Cabinet
City of Florence Public Services Department
Boone County Building Department

**ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2**

- \_\_\_\_\_ Northern Kentucky Health District
- \_\_\_\_\_ USDA NRCS/Boone County Conservation District
- \_\_\_\_\_ KY Division of Water
- \_\_\_\_\_ Local School District
- \_\_\_\_\_ Local Fire District
- \_\_\_\_\_ Other: \_\_\_\_\_

18. Project Jurisdiction/Location
- Unincorporated Boone County                      \_\_\_\_\_ Walton  
\_\_\_\_\_ Florence    \_\_\_\_\_ Union

19. Applicant's Signature Vivian Z. Brubaker, Mary A. Lane  
Property Owner's Signature Vivian Z. Brubaker, Mary A. Lane

**SECTION B (To be completed by BCPC Staff)**

1. Date Received 2-24-04
2. Review Fee \$1315.80 ~~37904~~
3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - 3 Number of copies of plan received\*\*
4. Is application complete? Yes \_\_\_\_\_ No
5. Staff Reviewer PATY BACHMAN
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:
  - \_\_\_\_\_ Approval
  - \_\_\_\_\_ Approval with Conditions
  - \_\_\_\_\_ Denial
9. Other: \_\_\_\_\_

**\*\* Five (5) Copies Are Required**

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 - Web Page

**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.

ADJOINING PROPERTY OWNERS

Suzanne Revack  
8375 East Bend Road  
Burlington, KY 41005

Theodore Revack  
2605 Carre Place  
Burlington, KY 41005

Barbara Carrigan  
P.O. Box 42  
Burlington, KY 41005

Heidi Head  
8495 East Bend Road  
Burlington, KY 41005

Harold McFarland  
Locust Grove Road  
Burlington, KY 41005



GREGORY A. LARISON, PLS  
10629 CHESHIRE RIDGE DRIVE, FLORENCE, KY 41042  
859.371.1712

February 19, 2004

PARCEL TO BE REZONED FROM  
A-1 TO A-2

Located in Boone County, Kentucky, lying at the southwest intersection of East Bend Road and Kelly Road and is more particularly described as follows:

Beginning at a point at the centerline intersection of East Bend Road and Kelly Road; thence with the centerline of East Bend Road S 55°22'21" W a distance of 59.84 feet to a point; thence S 59°28'03" W a distance of 130.05 feet to a point; thence S 53°49'41" W a distance of 165.45 feet to a point; thence S 58°05'56" W a distance of 150.36 feet to a point and the TRUE POINT OF BEGINNING; thence leaving said centerline S 37°49'24" E a distance of 439.51 feet to a point; thence S 57°59'35" W a distance of 333.90 feet to a point; thence S 72°10'52" W a distance of 506.69 feet to a point; thence N 21°32'50" W a distance of 400.00 feet to a point in the centerline of East Bend Road; thence with said centerline N 65°21'27" E a distance of 457.90 feet to a point; thence N 62°51'29" E a distance of 254.77 feet to the TRUE POINT OF BEGINNING containing 7.8 acres, more or less.

GREGORY A. LARISON, PLS  
10629 CHESHIRE RIDGE DRIVE, FLORENCE, KY 41042  
859.371.1712

February 19, 2004

PARCEL TO BE REZONED FROM  
SR-1 TO A-2

Located in Boone County, Kentucky, lying at the southwest intersection of East Bend Road and Kelly Road and is more particularly described as follows:

Beginning at a point at the centerline intersection of East Bend Road and Kelly Road; thence with the centerline of East Bend Road S 37°58'50" E a distance of 175.00 feet to a point; thence S 36°02'02" E a distance of 275.00 feet to a point; thence leaving said centerline S 57°59'35" W a distance of 498.13 feet to a point; thence N 37°49'24" W a distance of 439.51 feet to a point in the centerline of East Bend Road; thence with said centerline N 58°05'56" E a distance of 150.36 feet to a point; thence N 53°49'41" E a distance of 165.45 feet to a point; thence N 59°28'03" E a distance of 130.05 feet to a point; thence N 55°22'21" E a distance of 59.84 feet to a point; which is the point of beginning containing 5.1 acres , more or less.

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
April 21, 2004  
7:30 P.M.**

**PUBLIC HEARING**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mrs. Kegley, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:42 PM and introduced the item on the Agenda:

**Applicant:**     **Victor L. Boelscher and Mary A. Lane (owners)**

**Request:**       **Zoning Map Amendment**

**The request of Victor L. Boelscher and Mary A. Lane (owners) for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for 7.8 acres of the site, and a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for 5.1 acres of the site both for a total 12.9 acre site at 8496, 8538, and 8554 East Bend Road, Boone County, Kentucky. The request is for two zone changes to allow residential uses.**

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). In response to a question from the Chairman, Ms. Bachman stated that the minimum lot size in the A-2 zone is 80,000 square feet.

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. Dennis Helmer, attorney, 7415 Burlington Pike, Florence, KY, was present on behalf of the property owners, Victor Boelscher and Mary Lane, who are

brother and sister and recently inherited the land from their mother. He reviewed the Power Point slide in regard to the locations of the existing houses on the property which were placed there by their mother. He indicated the house in which Victor Boelscher lives on the adjacent property. Mary Lane's son lives adjacent to the property on the other side. Mr. Helmer stated that they are very concerned about what happens in this area, but they do not need the two houses on the inherited property. He stated that there is a natural barrier and if they were to subdivide and sell the property, there would be a lot of acres with no access to the area. There are natural barriers to the two-acre parcels. He stated that Victor Boelscher is content to keep his property as a farm and does not intend to develop it. Mr. Helmer stated that a change to the A-2 zone is in line with the Comprehensive Plan and permits the two lots to be approximately two acres in size, or just over the 80,000 square foot requirement. He stated that no construction will be done – the houses and driveways are existing. The lots will be surveyed and sold. Victor Boelscher will continue to live on his property. This completed the applicant's presentation.

The Chairman noted that there was no one else present in the audience and asked if there were any comments or questions from the Commissioners.

Mrs. Poston asked if one of the houses is a duplex. Mr. Helmer responded that the house with the horseshoe driveway is a duplex.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 5, 2004 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 19, 2004 at 7:00 PM.

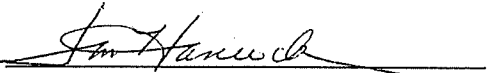
The Chairman closed this Public Hearing at 7:55 PM.

**APPROVED:**



**Arnold Caddell, Chairman**

**Attest:**

  
**Jan Hancock, Recording Secretary**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
May 19, 2004  
7:00 P.M.**

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Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Barlow  
Mr. Greg Breetz  
Mr. Kim Bungler  
Mr. Arnold Caddell, Chairman  
Mr. Jim Carmichael  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Don McMillian  
Mr. Robert Newman  
Mr. Randy Poe  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Charlie Reynolds  
Mr. Earl White  
Mrs. Lisa Wilson, Secretary/Treasurer

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Janet Kegley  
Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Patty Bachman, Planner  
Ms. Jan Hancock, Secretary  
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the May 5, 2004 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mr. McMillian seconded the motion. A vote on the motion found all voting members in favor. Mr. Poe was not yet present. The motion carried.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Victor L. Boelscher and Mary A. Lane (owners) for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for 7.8 acres of the site, and a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for 5.1 acres of the site both for a total 12.9 acre site at 8496, 8538, and 8554 East Bend Road, Boone County, Kentucky. The request is for two zone changes to allow residential uses.

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the Findings of Fact (see Committee Report).

**Mr. Barlow moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Bunger seconded the motion.**

In response to a question from Mr. McMillian, Ms. Bachman stated that the eastern parcel has two different zoning classifications – a portion of the zoning was A-1 and the other portion is SR-1, but the SR-1 zoning is not appropriate for the site.

Mr. Knock asked if there is water and sewer in the area. Ms. Bachman responded, “not on those particular properties”. Mr. Bunger explained that information provided to the Committee was that no new homes will be constructed as a result of this approval. The approval separates the existing homes into properties that work correctly with the appropriate zoning in the area. Each of the properties has its own independent utility situation. This approval provides a situation more in line with zoning and good practice.

There being no further comments, the Chairman asked for a **vote on the motion made by Mr. Barlow which found all voting members in favor. Mr. Poe was not yet present. The motion carried.**

EXHIBIT  
"B"

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 19, 2004

RE: The request of **Victor L. Boeschler and Mary A. Lane (owners)** for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for 7.8 acres of the site, and a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for 5.1 acres of the site, both for a total 12.9 acre site located at 8496, 8538, and 8554 East Bend Road, Boone County, Kentucky. The request is for two zone changes to allow residential uses.

### REMARKS

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact:

### FINDINGS OF FACT

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan. The majority of the subject site is designated as Rural Density Residential in the Future Land Use Map, which allows a density of one dwelling unit per acre. A small portion of the site is classified as Rural Lands, a designation applied to wooded, agricultural, and low density residential development that does not occur within a formal subdivision. The Land Use Element notes that the greatest amount of growth in the East Bend Road area should occur along East Bend Road in open space subdivisions and that driveways should be shared.

The Housing Element states that the roads in the general area are not appropriate for large scale housing developments. Open Space subdivisions should be encouraged, as noted above. If there are residential developments along East Bend Road, alternatives to routing traffic through the center of Burlington will need to be developed.

Goal #13 of the Housing Element states that residential developments should be designed to be compatible not only with the adjoining properties but also with the existing conditions on the site. The adjoining properties are rural in character, and some of them are used for agricultural purposes. The proposal allows a continuation of these rural land uses.

2. The existing zoning classification on a portion of the eastern parcel, Suburban Residential One (SR-1), is inappropriate, and the proposed zoning classification for the parcel is appropriate. The area in question is approximately 5.1 acres. While this zoning classification allows the development of up to 4 dwelling units per acre, the existing conditions of the property would not allow this level of development, as there are no water lines or sanitary sewer lines serving the property.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
April 21, 2004  
7:30 P.M.**

**PUBLIC HEARING**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mrs. Kegley, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:42 PM and introduced the item on the Agenda:

**Applicant:** Victor L. Boelscher and Mary A. Lane (owners)

**Request:** Zoning Map Amendment

The request of Victor L. Boelscher and Mary A. Lane (owners) for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for 7.8 acres of the site, and a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for 5.1 acres of the site both for a total 12.9 acre site at 8496, 8538, and 8554 East Bend Road, Boone County, Kentucky. The request is for two zone changes to allow residential uses.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). In response to a question from the Chairman, Ms. Bachman stated that the minimum lot size in the A-2 zone is 80,000 square feet.

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. Dennis Helmer, attorney, 7415 Burlington Pike, Florence, KY, was present on behalf of the property owners, Victor Boelscher and Mary Lane, who are

brother and sister and recently inherited the land from their mother. He reviewed the Power Point slide in regard to the locations of the existing houses on the property which were placed there by their mother. He indicated the house in which Victor Boelscher lives on the adjacent property. Mary Lane's son lives adjacent to the property on the other side. Mr. Helmer stated that they are very concerned about what happens in this area, but they do not need the two houses on the inherited property. He stated that there is a natural barrier and if they were to subdivide and sell the property, there would be a lot of acres with no access to the area. There are natural barriers to the two-acre parcels. He stated that Victor Boelscher is content to keep his property as a farm and does not intend to develop it. Mr. Helmer stated that a change to the A-2 zone is in line with the Comprehensive Plan and permits the two lots to be approximately two acres in size, or just over the 80,000 square foot requirement. He stated that no construction will be done – the houses and driveways are existing. The lots will be surveyed and sold. Victor Boelscher will continue to live on his property. This completed the applicant's presentation.

The Chairman noted that there was no one else present in the audience and asked if there were any comments or questions from the Commissioners.

Mrs. Poston asked if one of the houses is a duplex. Mr. Helmer responded that the house with the horseshoe driveway is a duplex.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 5, 2004 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 19, 2004 at 7:00 PM.

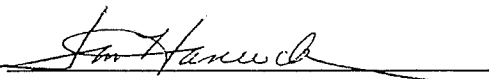
The Chairman closed this Public Hearing at 7:55 PM.

**APPROVED:**



Arnold Caddell, Chairman

**Attest:**

  
Jan Hancock, Recording Secretary

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 5, 2004

RE: Request of **Victor L. Boelscher and Mary A. Lane (owners)** for a Zoning Map Amendment from Agriculture (A-1) to Agricultural Estate (A-2) for 7.8 acres of the site, and a Zoning Map Amendment from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for 5.1 acres of the site, both for a total 12.9 acre site located at 8496, 8538, and 8554 East Bend Road, Boone County, Kentucky. The request is for two zone changes to allow residential uses.

### REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

May 5, 2004

Boelscher/Lane

8496, 8538 and 8554 East Bend Road

*Kim Bunger*  
 \_\_\_\_\_  
**Kim Bunger, Chairman**

For Project  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Randy Barlow*  
 \_\_\_\_\_  
**Randy Barlow**

For Project  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Greg Breetz*  
 \_\_\_\_\_  
**Greg Breetz**

For Project \_\_\_\_\_  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Janet Kegley*  
 \_\_\_\_\_  
**Janet Kegley**

For Project \_\_\_\_\_  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Susan Poston*  
 \_\_\_\_\_  
**Susan Poston**

For Project \_\_\_\_\_  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

**Charlie Reynolds(Alternate)\***

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

**TOTAL: \_\_\_\_\_ DEFERRED 5 FOR PROJECT \_\_\_\_\_ ABSENT**  
**\_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN**

# SUPPORTING INFORMATION

GREGORY A. LARISON, PLS  
10629 CHESHIRE RIDGE DRIVE, FLORENCE, KY 41042  
859.371.1712

February 19, 2004

PARCEL TO BE REZONED FROM  
A-1 TO A-2

Located in Boone County, Kentucky, lying at the southwest intersection of East Bend Road and Kelly Road and is more particularly described as follows:

Beginning at a point at the centerline intersection of East Bend Road and Kelly Road; thence with the centerline of East Bend Road S 55°22'21" W a distance of 59.84 feet to a point; thence S 59°28'03" W a distance of 130.05 feet to a point; thence S 53°49'41" W a distance of 165.45 feet to a point; thence S 58°05'56" W a distance of 150.36 feet to a point and the TRUE POINT OF BEGINNING; thence leaving said centerline S 37°49'24" E a distance of 439.51 feet to a point; thence S 57°59'35" W a distance of 333.90 feet to a point; thence S 72°10'52" W a distance of 506.69 feet to a point; thence N 21°32'50" W a distance of 400.00 feet to a point in the centerline of East Bend Road; thence with said centerline N 65°21'27" E a distance of 457.90 feet to a point; thence N 62°51'29" E a distance of 254.77 feet to the TRUE POINT OF BEGINNING containing 7.8 acres, more or less.

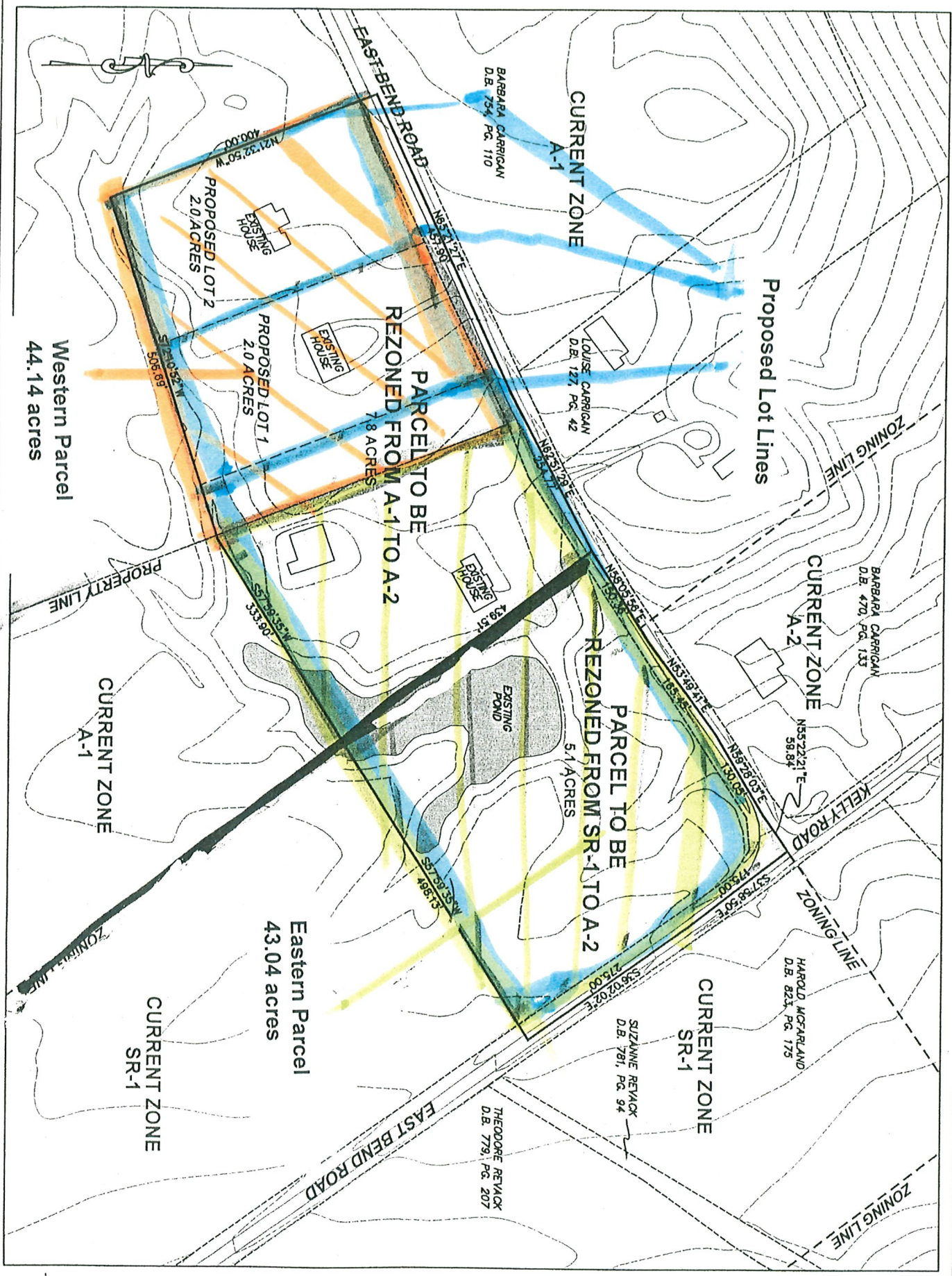
GREGORY A. LARISON, PLS  
10629 CHESHIRE RIDGE DRIVE, FLORENCE, KY 41042  
859.371.1712

February 19, 2004

PARCEL TO BE REZONED FROM  
SR-1 TO A-2

Located in Boone County, Kentucky, lying at the southwest intersection of East Bend Road and Kelly Road and is more particularly described as follows:

Beginning at a point at the centerline intersection of East Bend Road and Kelly Road; thence with the centerline of East Bend Road S 37°58'50" E a distance of 175.00 feet to a point; thence S 36°02'02" E a distance of 275.00 feet to a point; thence leaving said centerline S 57°59'35" W a distance of 498.13 feet to a point; thence N 37°49'24" W a distance of 439.51 feet to a point in the centerline of East Bend Road; thence with said centerline N 58°05'56" E a distance of 150.36 feet to a point; thence N 53°49'41" E a distance of 165.45 feet to a point; thence N 59°28'03" E a distance of 130.05 feet to a point; thence N 55°22'21" E a distance of 59.84 feet to a point; which is the point of beginning containing 5.1 acres , more or less.

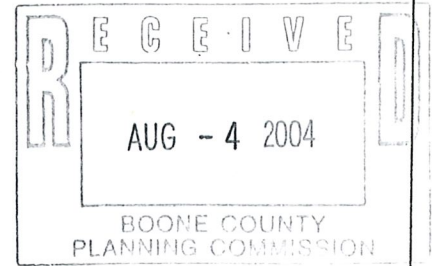


**PROPOSED ZONE CHANGE FOR  
VICTOR BOELSCHER**

**GREGORY A. LARSON, PLS**  
10629 CHESHIRE RIDGE DRIVE  
FLORENCE, KY 41042  
859.371.1712

DESIGNED	DATE	SCALE	BY
DRAWN	1/10/04	1"=40'	GL
CHECKED			
APPROVED			
DATE			
BY			
SCALE			
PROJECT			
SHEET			
TOTAL			

**Ordinance**  
**Of**  
**The Boone County**  
**Fiscal Court**  
Ordinance No. 04- 09



**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF VICTOR L. BOELSCHER AND MARY A. LANE (OWNERS) FOR TWO ZONING MAP AMENDMENTS, THE FIRST ONE BEING A ZONE CHANGE FROM AGRICULTURE (A-1) TO AGRICULTURAL ESTATE (A-2) FOR 7.8 ACRES OF THE SITE, AND THE SECOND ONE BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO AGRICULTURAL ESTATE (A-2) FOR 5.1 ACRES OF THE SITE, BOTH FOR A TOTAL 12.9 ACRE SITE LOCATED AT 8496, 8538 AND 8554 EAST BEND ROAD, BOONE COUNTY, KENTUCKY**

**WHEREAS**, the Boone County Fiscal Court received a request for two Zoning Map Amendments to the Boone County Zoning Map, the first one being a Zone Change from Agriculture (A-1) to Agricultural Estate (A-2) for 7.8 acres of the site, and the second one being a Zone Change from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for 5.1 acres of the site, both for a total 12.9 acre site located at 8496, 8538 and 8554 East Bend Road, Boone County, Kentucky, which is more particularly described below; and,

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the two Zoning Map Amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:**

**SECTION I**

That the request for two Zoning Map Amendments for the real estate which is more particularly described below shall be and is hereby approved, the first Zoning Map Amendment being a zone change from Agriculture (A-1) to Agricultural Estate (A-2) for 7.8 acres of the site, and the second Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Agricultural Estate (A-2) for 5.1 acres of the site, both for a total 12.9 acre site located at 8496, 8538 and 8554 East Bend Road, Boone County, Kentucky. The real estate which is the subject of this request for two Zoning Map Amendments in both an Agriculture (A-1) and a Suburban Residential One (SR-1) zone is more particularly described in DEED BOOK 209, PAGE NOS. 298 and 303 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

That as a basis for the approval for both Zoning Map Amendment requests are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for these requests based on the findings of fact as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

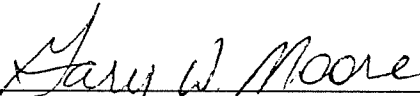
**Ordinance**  
**Of**  
**The Boone County**  
**Fiscal Court**  
Ordinance No. 04- 09

**SECTION III**


That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 15th day of June, 2004.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 27th day of July, 2004, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

  
\_\_\_\_\_  
GARY W. MOORE  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
MICHELE ROBERTS  
FISCAL COURT CLERK

  
\_\_\_\_\_  
J.R. SCHRAND  
BOONE COUNTY ATTORNEY

8-5-04  
DATE PUBLISHED

DESIGNED	DATE	1/10/04
DRAWN	SCALE	1"=60'
REV. 1	REV. DATE	
REV. 2	REV. DATE	
REV. 3	REV. DATE	
REV. 4	REV. DATE	
REV. 5	REV. DATE	
REV. 6	REV. DATE	
REV. 7	REV. DATE	
REV. 8	REV. DATE	
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