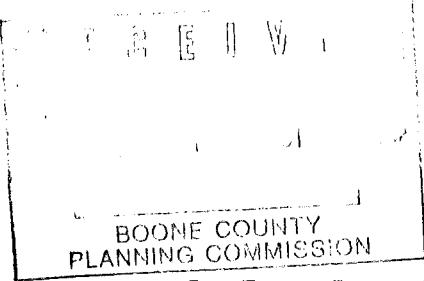
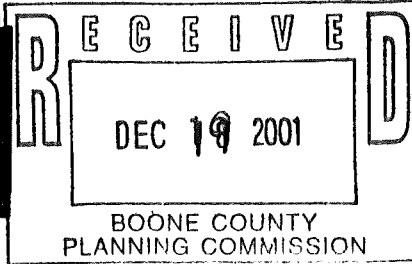


02-BCBOA-004-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One)  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One) \_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name JAY SCHELL  
Phone Number 859-331-4888 Fax No. 859-331-4670  
Applicant's Address 508 FARRELL DR  
FTURIGHT KY 41011  
City State Zip
- 4. Description of Request: REQUEST FOR COMMON DRIVEWAY TO SERVE TWO PARCELS ON BEEMON LANE
- 5. Name of Development 1386
- 6. Location of Development BEEMON LANE, FLORENCE
- 7. Acreage Under Review .9993
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property JAY SCHELL  
Phone Number of Owner \_\_\_\_\_  
Address of Property Owner SAME AS ABOVE 10.  
City State Zip
- 11. Proposed Use(s) on Site RESIDENTIAL HOUSE
- 12. Total Square Footage of Existing and/or Proposed Buildings NA
- 13. Current Zoning on Property AS
- 14. Deed Book 794 Page No. 475 Group No. 2032
- 15. Is the site subject to a zone change? No  
If yes, give date of approval \_\_\_\_\_
- 16. Have you submitted a Site Plan with this request? YES
- 17. Have you submitted a list of adjoining property owners with this request? YES
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Jay Schell

Property Owner's Signature: Jay Schell

(over)

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

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

- 1. Date Received 12-19-01 Fee Received \$300.00 RH 29950
- 2. Is application complete?  Yes  No
- 3. Staff Reviewer \_\_\_\_\_
- 4. Scheduled Board Action Date \_\_\_\_\_
- 5. Board Action:
  - Approved
  - 2-13-02 Approved with Conditions (See #6)
  - Denial (See #7)
- 6. Conditions of Approval: THE DRIVEWAY MUST BE DESIGNED  
SO THAT THERE IS A TURNAROUND AREA ON  
EACH LOT
- 7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41006  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountky.org - E-mail**

[www.boonecountky.org](http://www.boonecountky.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: Jay Schell  
LOCATION: 1386 Beemon Lane, Boone County, Kentucky  
ZONING: Rural Suburban (RS)  
DATE: February 13, 2002

### Proposal

The property owner is attempting to do a Conveyance Plat to split a 0.9993 acre parcel into two legal lots of record. The Concept Development Plan indicates that two homes are proposed on these lots and that a twenty foot wide common driveway would be constructed onto Beemon Lane.

In order for this driveway to be constructed, the Board of Adjustment will need to grant two variances to reduce the driveway spacing requirements. Section 3215 of the Boone County Zoning Regulations requires 185 feet of separation between adjacent driveways on a collector road, where the speed limit is less than 40 miles per hour. As a result, the property owner is applying to reduce the driveway spacing requirement from 185 feet to 128 feet to the west (Wurtz property) and from 185 feet to 133 feet to the east (Old North Bend Road right-of-way).

### Applicable Regulations

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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
  - 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 regulation 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.

#### Site Characteristics

The .9993 acre site is a field, which adjoins Beemon Lane to the south and Old North Bend Road right-of-way to the east. The Old North Bend Road right-of-way is unpaved and serves as a driveway for lot 21 of Wood Side Greens Subdivision (see attachments).

#### Surrounding Land Uses

- North: Wood Side Greens Subdivision (SR-1/CD)
- South: Beemon Lane & Single-Family Residential Dwellings (RS)
- East: Old North Bend Rd. Right-Of-Way & Single-Family Residential (RS)
- West: Single-Family Residential (RS)

#### Staff Comments

1. The proposed driveway is located 133 feet to the west of a 90° curve in Beemon Lane. Staff is concerned that the reduced driveway spacing could compound the site distance issues that are associated with this curve and could jeopardize the public health, safety, and welfare.

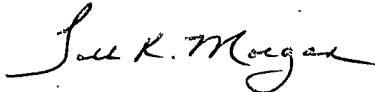
Staff recommends that the Applicant should utilize the Old North Bend Road right-of-way for access. In order to do this, a 30' wide private access driveway easement would need to be recorded along the rear property lines of the parcels. The creation of this easement would eliminate the possibility that any motorists would back onto Beemon Lane from these parcels. Furthermore, the creation of the easement would not deprive the applicant of the reasonable use of the land.

2. If the Board of Adjustment grants the Variances, Staff would recommend a condition that requires the driveway to be designed with a turnaround area on each lot.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's requests to reduce the driveway spacing requirements. It is Staff's opinion that granting the variances could adversely affect the public health, safety, and welfare.

Respectfully submitted,

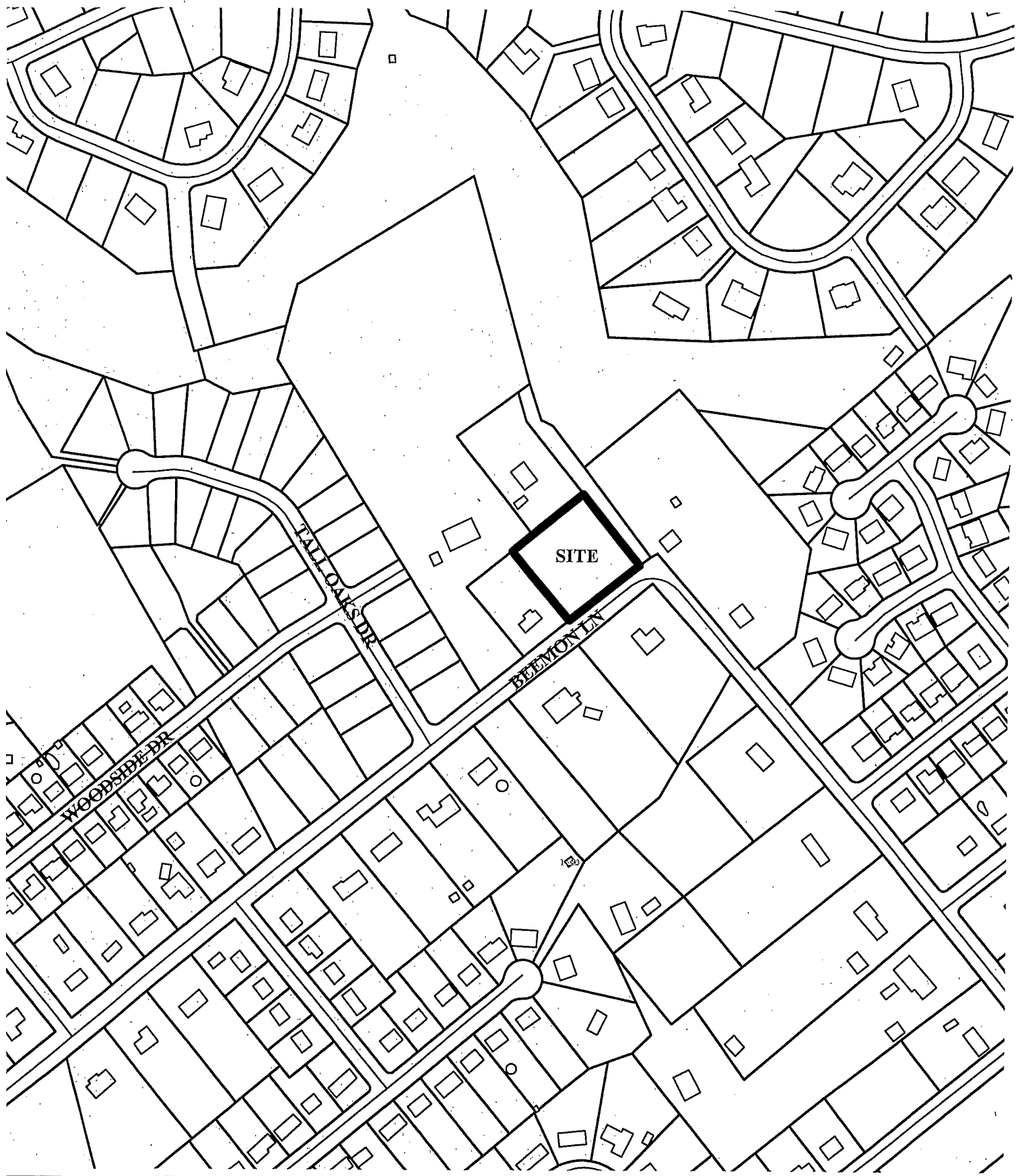


Todd K. Morgan, AICP  
Planner, Zoning Services

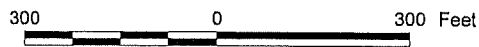
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan
- Exhibit C – Zoning Map
- Exhibit D – Aerial Map
- Exhibit E – Wood Side Greens Preliminary Plat
- Exhibit F – Application



# Schell Site Vicinity Map



1 inch equals 300 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 14, 2002





250 0 250 Feet



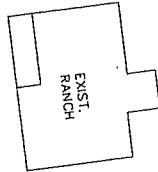
1 inch equals 250 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 14, 2002



# Schell Zoning Map

NORTH AND BEARING SYSTEM BASED ON THE EASTERLY BOUNDARY LINE OF FALL OAKS SUBDIVISION AS RECORDED ON PLAT SLICE 4991 OF THE BOONE COUNTY PLAT RECORDS ON FILE IN BURKHOFF, KENTUCKY.



BOONE COUNTY, KENTUCKY PUBLIC PROPERTIES CORPORATION DEED BOOK 698 PAGE 237

CENTER MIL LLC DB. \_\_\_\_\_ PG. \_\_\_\_\_

BRUCE BURFORD DEED BOOK 550 PAGE 59

OLD NORTH BEND ROAD (ABANDONED)

BARRY WURTZ DB. 762' PG. 284

PARCEL B  
0.4963 AC.  
REMAINING  
PARCEL FROM  
DB. 794 PG. 475

PARCEL A  
0.5030 AC.

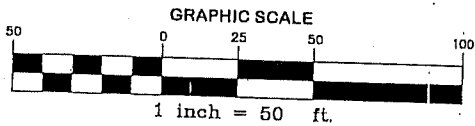
EXISTING UTILITY EASEMENT

20' PROPOSED INGRESS / EGRESS EASEMENT

EXISTING INGRESS / EGRESS EASEMENT

Centerline of Ex. Drive

BEEMON LANE



REVISED: 12-27-01  
PAGE 2 OF 2

DRAWN BY:  
JBER

CHECKED BY:  
JBER

JOB #  
V-01-62

DATE:  
12-18-2001

CONVEYANCE PLAT  
FOR  
JAY Q. SCHELL

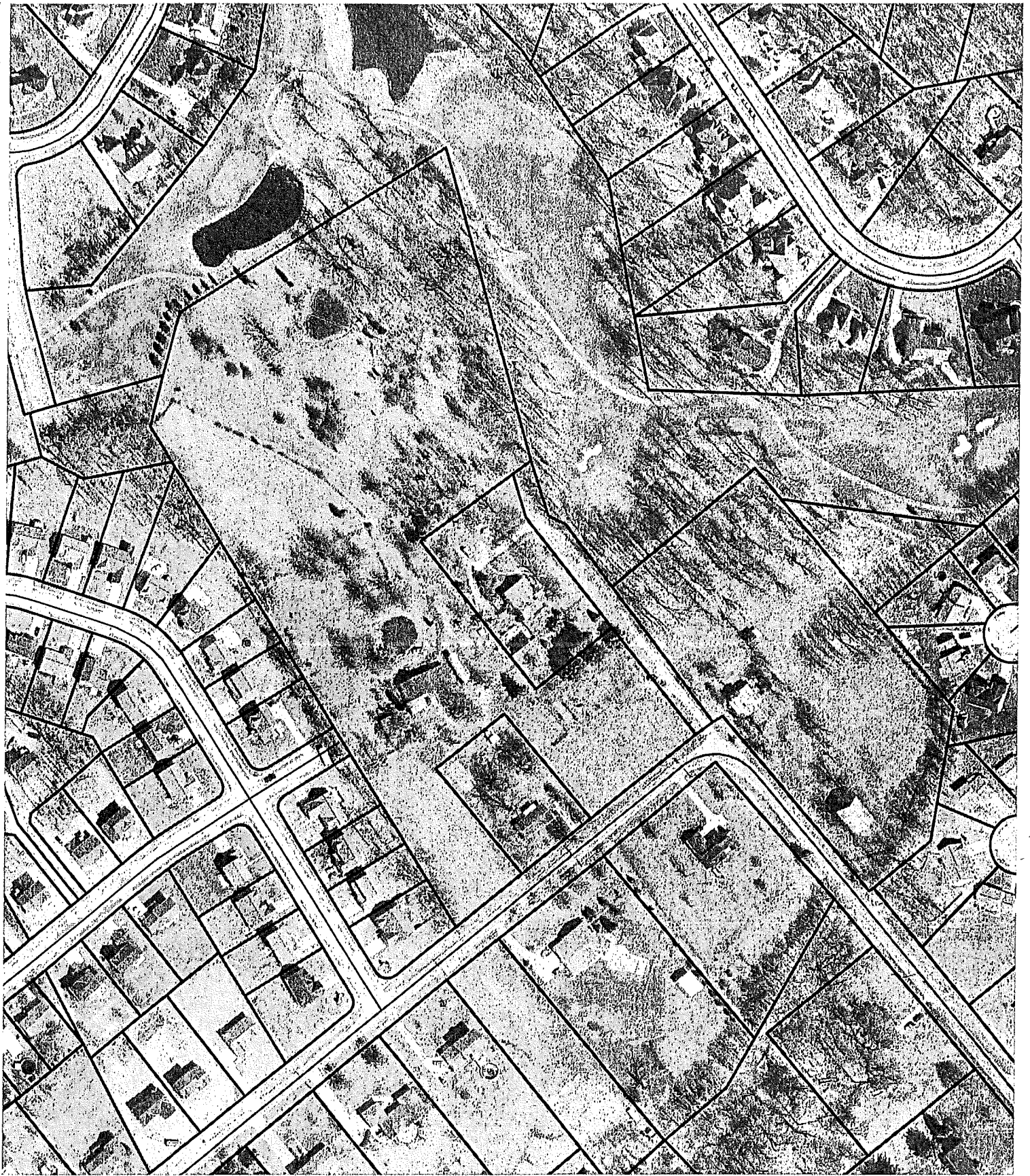
BEING PART OF THE LAND HERETOFORE CONVEYED TO  
JAY Q. SCHELL BY DEED BOOK 794 PAGE 476  
BOONE COUNTY, KENTUCKY

THIS PLAT SHALL BE VOID IF NOT FILED WITH THE  
BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN  
TWO (2) YEARS OF PLANNING COMMISSION APPROVAL.

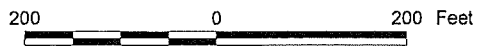
REVISED:

STATE OF KENTUCKY  
JAMES J. BERTRAM  
3423  
LICENSED PROFESSIONAL  
LAND SURVEYOR

**C**  
CENTER LINE  
ENGINEERING &  
SURVEYING, PLLC  
519 Enterprise Drive  
Suite #103  
Crescent Springs, KY 41017  
(606) 576-6050 Fax (606) 576-6632



Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 19, 2001



1 inch equals 200 feet



EXISTING 30' OLD NORTH BEND ROAD (ABANDONED BUT NOT CEASED)

EXISTING GREEN

S50°13'25" W 315'

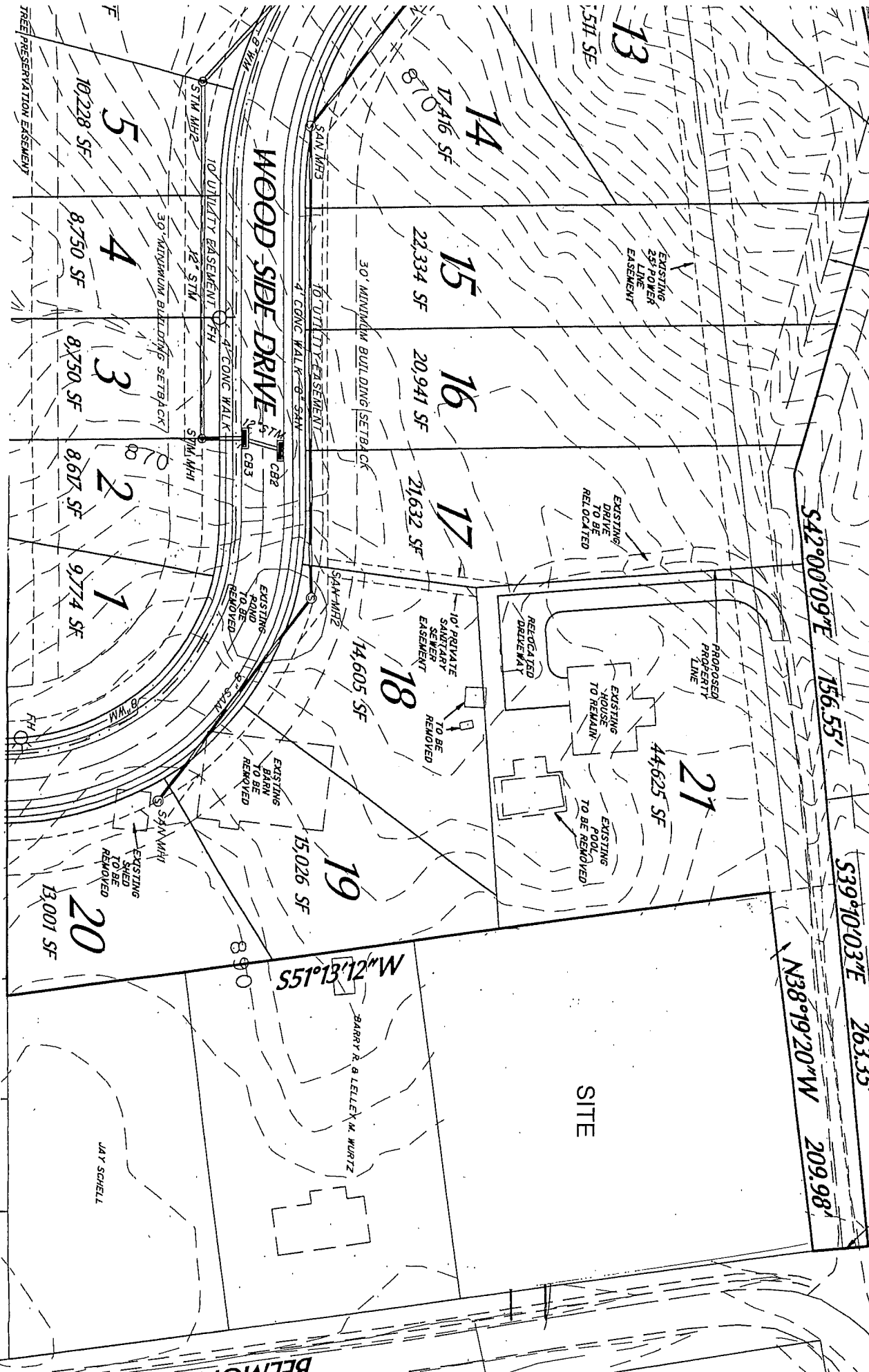
S42°00'09"E 156.55'

S39°10'03"E 263.35'

N38°19'20"W 209.98'

209.98'

SITE



TREE PRESERVATION EASEMENT

BEEMON LANE

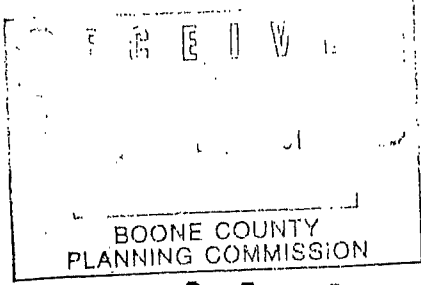
S51°13'12" W

BARRY R. & LELLEN M. WORTZ

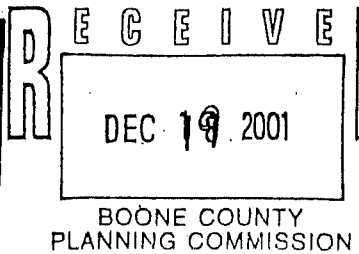
JAY SCHELL

TREE PRESERVATION EASEMENT

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



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

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name JAY SCHELL Phone Number 859-331-4888 Fax No. 859-331-4670
4. Description of Request: REQUEST FOR COMMON DRIVEWAY TO SERVE TWO PARCELS ON BEEMON LANE
5. Name of Development \_\_\_\_\_
6. Location of Development BEEMON LANE, FLORENCE
7. Acreage Under Review .9993
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property JAY SCHELL Phone Number of Owner SAME AS ABOVE 10. Address of Property Owner \_\_\_\_\_
11. Proposed Use(s) on Site RESIDENTIAL HOUSE
12. Total Square Footage of Existing and/or Proposed Buildings NA
13. Current Zoning on Property AS
14. Deed Book 794 Page No. 475 Group No. 2032
15. Is the site subject to a zone change? No
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature Jay Schell

Property Owner's Signature Jay Schell

COPY

CLUR #02-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Jay Schell  
508 Farrell Drive  
Ft. Wright, KY 41011
2. ADDRESS OF PROPERTY  
1386 Beemon Ln.  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
\_\_\_\_\_
4. DEED BOOK 794      PAGE NO. 475      GROUP NO. 2032
5. TYPE OF RESTRICTION(S) (Check all that apply)
- \_\_\_ Zoning Map Amendment:      \_\_\_ Conditional Use Permit  
    From \_\_\_ To \_\_\_
- \_\_\_ Development Plan      \_\_\_ Conditional Zoning
- \_\_\_ Subdivision Plat      \_\_\_ Other:  
    (Not Recorded)
- X Variances (2)
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

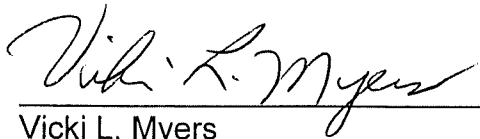
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

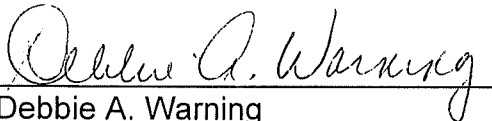
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 26 day of February, 2002.



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 Variances (2) approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 13, 2002 Certificate of Land Use Restriction (#02-BCBOA-004-A), for Jay Schell, Property Owner(s).

The following conditions will apply:

The driveway must be designed so that there is a turnaround area on each lot.

The approved Variances (2) as well as the preceding conditions apply to the property described in:

DEED BOOK 794

PAGE NO. 475

GROUP NO. 2032