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JAN 19 2010  
BOONE COUNTY  
PLANNING COMMISSION

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
- Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
  - (Check One)  
 Conditional Use Permit \_\_\_\_\_  Variance \_\_\_\_\_  Appeal \_\_\_\_\_  
 Change in Non-Conforming Use \_\_\_\_\_
  - Applicant's Name Regina Mary Brooks - Hall 580-819-1079 Regina  
 Phone Number (434) 793-2267 Fax No. cell 540 797 3673 Jerome  
 Applicant's Address 118 Grove Park  
Danville VA 24541  
 City State Zip
  - Description of Request: Variance for 115 ft instead of 150  
foot road frontage
  - Name of Development N/A
  - Location of Development N/A
  - Acreage Under Review 7.1110
  - Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
  - Owner of Property Mary Brooks
  - Address of Property Owner 1943 Stephenson Mill Rd Phone No. (859) 484-4824  
Verona KY 41092  
 City State Zip
  - Proposed Use(s) on Site Residential
  - Total Square Footage of Existing and/or Proposed Buildings Barn 22830
  - Current Zoning on Property A2
  - Deed Book 413 Page No. 121 Group No. 2077B
  - Is the site subject to a zone change? NO  
 If yes, give date of approval \_\_\_\_\_
  - Have you submitted a Site Plan with this request? NO
  - Have you submitted a list of adjoining property owners with this request? \_\_\_\_\_
  - I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: Mary F. Brooks  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: \_\_\_\_\_  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over) Regina Brooks Hall



## STAFF REPORT

APPLICANT: Regina Brooks-Hall

LOCATION: 1943 Stephenson Mill Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: February 10, 2010

### Proposal

The applicant is requesting a variance to reduce the minimum road frontage requirement so an approximate 42 acre lot can be subdivided into two (2) buildable lots. The submitted plan shows that the applicant intends to construct a house on a proposed 7.0302 acre lot. The variance is to reduce the road frontage requirement of this lot from 150 feet to 115.21 feet.

### Applicable Regulations

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.

Table 31.1 of the Boone County Zoning Regulations indicates that a buildable lot in (A-2) zone shall be a minimum of 80,000 square feet in area and have at least 150 feet of road frontage.

Section 3113 of the Boone County Zoning Regulations indicates single-family detached dwelling units within agricultural or residential zones shall be required to be individually placed on single lots of record.

Section 3210 of the Boone County Zoning Regulations lists Stephenson Mill Road as a Collector Roadway.

Section 3215 of the Boone County Zoning Regulations requires the following driveway spacing on a collector road when a new lot is being proposed:

- 185' of driveway spacing when the posted speed limit is less than 40 miles per hour.
- 230' of driveway spacing when the posted speed limit is greater than or equal to 40 miles per hour.

#### Site Characteristics

The subject property is approximately 42 acres in area and contains a single-family residential dwelling and a barn. Access to the property is provided from a gravel driveway that is located between the house and the barn. A farm path is located behind the barn and along the southeast property line. The farm path crosses an intermittent blue line stream and goes back to a clearing in the rear portion of the property. The topography of the parcel ranges from approximately 880' feet above sea level at Stephenson Mill Road to 730' above sea level at the rear property line.

#### Adjoining Properties and Zoning

- Northeast: Little Salem Creek and a 100 acre farm on Walton-Verona Road (A-2 and RS).
- Northwest: Single-family residential dwellings fronting on Stephenson Mill Road and Manor Lane (A-2).
- Southeast: 93 acre farm fronting on Walton Verona Road and Stephenson Mill Road (A-2, RSE, and RS).
- Southwest: Stephenson Mill Road and 23 acre farm (A-2).

#### Staff Comments

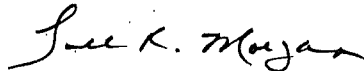
1. Staff believes the strict application of the 150 foot road frontage requirement would deprive the applicant of the reasonable use of the land because the lot is 42 acres in area and contains one single-family residence. Approval of the request will allow a 7 acre lot to be created and another single-family residence to be constructed.
2. Staff has made the applicant and her husband aware that they should contact an engineer to see if the project is feasible from a construction and cost perspective. The following issues were discussed:
  - A. The proposed driveway will be over 1,200 feet long and the topography is moderate to severe. An engineered grading plan will have to be submitted to the Planning Commission if grades are being changed which alter storm water flows.

- B. The proposed driveway will cross an intermittent blue line stream. The applicant needs to contact the Division of Water to see what permits are needed.
  - C. The applicant needs to contact Northern Kentucky District Health and Owen Electric regarding septic approval and power.
3. Staff recommends the following conditions if the request is approved:
- A. The proposed lot shall not have its own access point on Stephenson Mill Road. Access shall be provided from the existing driveway.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/pr

Attachments

- \*Site Vicinity Map
- \*Conceptual Plat
- \*2007 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*Application

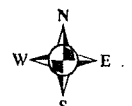
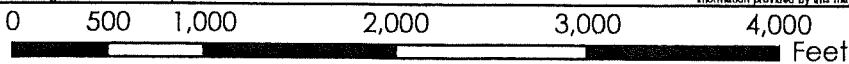
# SITE VICINITY MAP

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE  
 Approved for recording the transfer of property only by the  
 Boone County Planning Commission this \_\_\_ day of  
 20\_\_

I certify that I have examined the records of the Boone  
 County Court Clerk and find that this is the THIRD  
 conveyance made under the present ownership.

Zoning Representative \_\_\_\_\_

Ky. PLS #2709

Date: \_\_\_\_\_

LINE	BEARING	DISTANCE
L1	N 41°37'45" W	118.09'
L2	N 41°37'45" W	33.63'
L3	N 41°37'45" W	116.54'
L4	N 51°08'11" E	30.03'
L5	N 51°06'46" E	90.25'
L6	N 85°05'56" E	136.96'
L7	S 48°15'57" W	30.00'
L8	S 41°37'45" E	116.59'

BENJAMIN BROOKS  
 D.B. 613, Pg. 151  
 1st outconveyance

Pamela Towery  
 DEED BOOK 883,  
 PAGE 140

2nd outconveyance hatched area depicts  
 the ingress & egress  
 easement area for the benefit  
 of the 7.03 acre parcel

MARY F. BROOKS  
 REMAINING PART OF  
 DEED BOOK 413,  
 PAGE 121

pin found  
 on property  
 line 3.25'  
 from corner

pin set by post  
 5.41' inside  
 right of way

Joyce Vest  
 DEED BOOK 147, PAGE 282

0' 200' 400' 600'

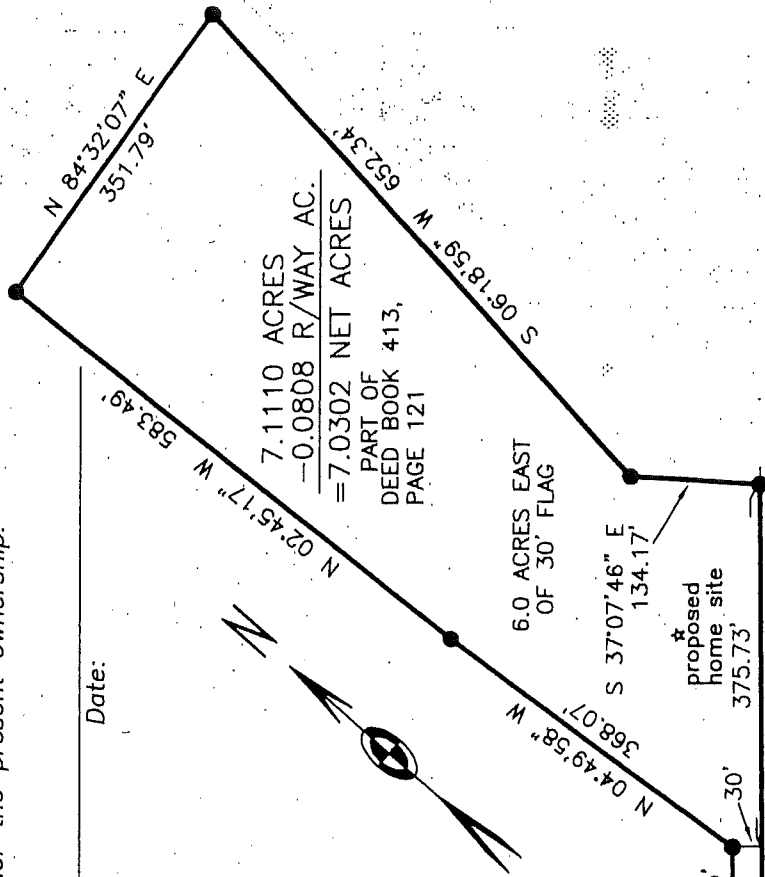


DEDICATION CERTIFICATE  
 I hereby dedicate the right of way of Stephenson Mill  
 Road as shown hereon to public use, forever.

The basis of bearings for  
 this survey is the survey  
 by Cahill Surveyors, Inc. of  
 the Pamela Towery  
 property on June 24,  
 2004.

EASEMENT AREA LINE TABLE

L9	N 41°44'03" W	15.00'
L10	S 48°15'57" W	357.87'
L11	S 52°51'35" W	276.08'
L12	S 64°31'32" W	136.38'
L13	S 87°04'00" W	58.44'
L14	S 67°02'42" W	55.06'
L15	S 42°44'43" W	82.37'



7.1110 ACRES  
 -0.0808 R/WAY AC.  
 =7.0302 NET ACRES  
 PART OF  
 DEED BOOK 413,  
 PAGE 121

6.0 ACRES EAST  
 OF 30' FLAG

proposed  
 home site

Stephenson Mill Road

30' wide right of way

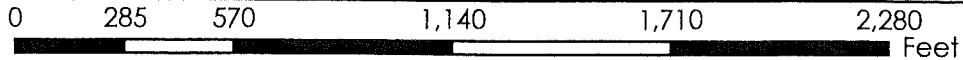
# 2007 AERIAL MAP

[www.boonecountygis.com](http://www.boonecountygis.com)



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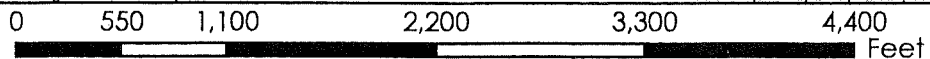
# ZONING MAP

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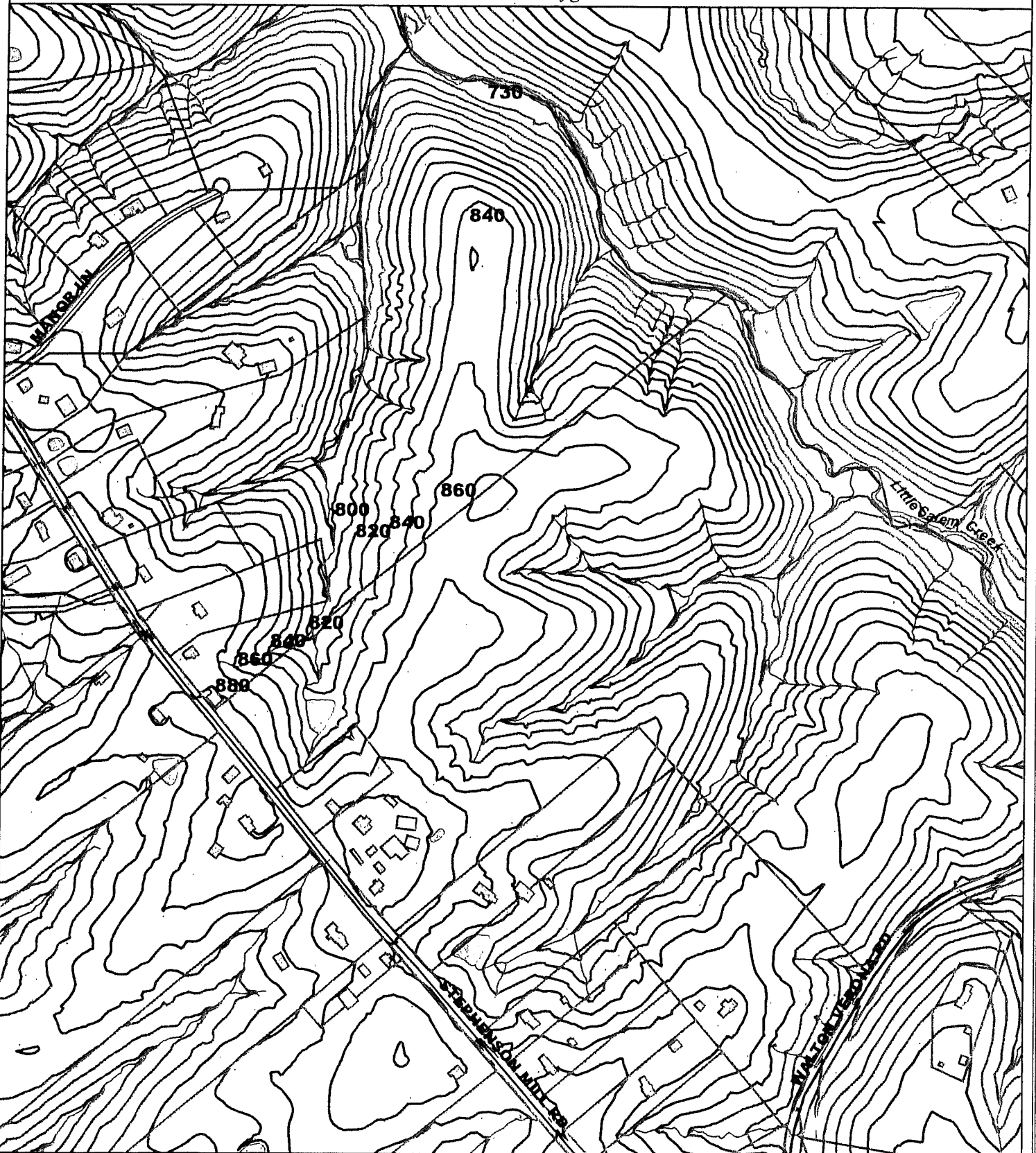


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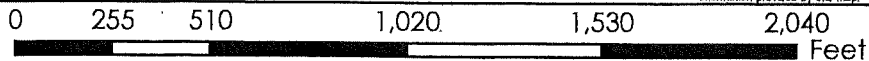
# TOPOGRAPHICAL MAP

www.boonecountygis.com



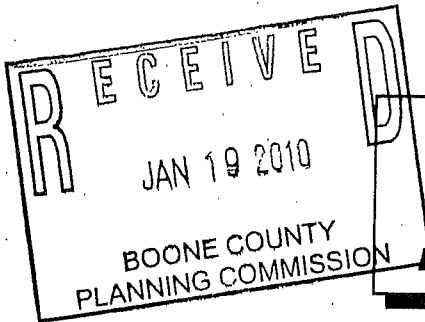
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APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. [X] Boone [ ] Florence [ ] Walton [ ] Union

(Check One)

2. [ ] Conditional Use Permit [X] Variance [ ] Appeal [ ] Change in Non-Conforming Use

3. Applicant's Name Regina Mary Brooks - Hall Phone Number (434) 793-2267 Fax No. Cell 540 797 3673 Applicant's Address 118 Grove Park Danville VA 24541

4. Description of Request: Variance for 115 ft instead of 150 foot road frontage

5. Name of Development N/A

6. Location of Development N/A

7. Acreage Under Review 7.1110

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

9. Owner of Property Mary Brooks

Address of Property Owner 1943 Stephenson Mill Rd Phone No. (859) 484-4824 Verona KY 41092

11. Proposed Use(s) on Site Residential

12. Total Square Footage of Existing and/or Proposed Buildings Barn 22830

13. Current Zoning on Property A2

14. Deed Book 413 Page No. 121 Group No. 2077B

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? NO

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.

ORIGINAL Property Owner's Signature: Mary F. Brooks (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over) Regina Brooks Hall

(COPY)

CLUR #10-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Mary Brooks  
1943 Stephenson Mill Road  
Verona, KY 41092

2. ADDRESS OF PROPERTY

1943 Stephenson Mill Road  
Verona, KY 41092

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

\_\_\_\_\_

4. DEED BOOK 413

PAGE NO. 121

GROUP NO. 2077B

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

\_\_\_ Zoning Map Amendment:  
From \_\_\_ To

\_\_\_ Conditional Use Permit

\_\_\_ Development Plan

\_\_\_ Conditional Zoning

\_\_\_ Subdivision Plat  
(Not Recorded)

\_\_\_ Other:

X Variance

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

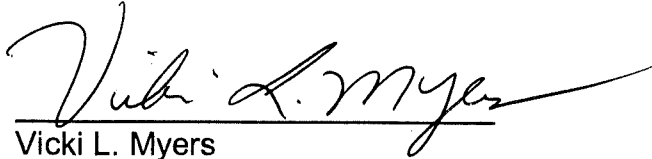
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

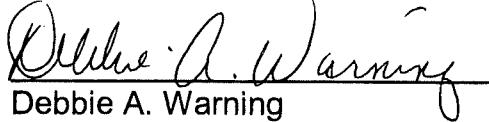
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 11 day of February, 2010.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 10, 2010 Certificate of Land Use Restriction (#10-BCBOA-002-A), for Mary Brooks, Property Owner(s).

The following conditions will apply:

- 1) The proposed lot shall not have its own access point on Stephenson Mill Road. Access shall be provided from the existing driveway.

The approved Variance as well as the preceding condition apply to the property described in:

DEED BOOK 413 PAGE NO. 121 GROUP NO. 2077B