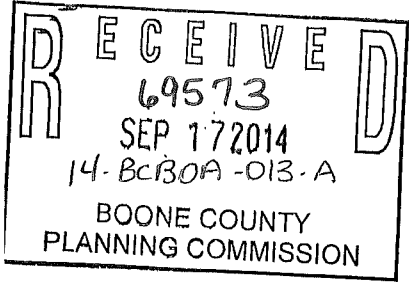


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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

- 3. Applicant's Name Kelly Middendorf & Ray Simpson 859-630-6290

Applicant's Address 14480 Brown Rd. Verona KY 41092

- 4. Phone Number 859-380-7978 Fax No. - E-Mail

- 4. Description of Request: Changing setback distance from 60' to 20' for pole barn

- 5. Name of Development -

- 6. Location of Development 14480 Brown Rd Verona, KY 41092

- 7. Acreage Under Review

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

- 9. Owner of Property Kelly Middendorf

- 10. Address of Property Owner 14480 Brown Rd. Verona KY 41092

- 10. Phone Number 859-380-7978 Fax No. E-Mail

- 11. Proposed Use(s) on Site Storage

- 12. Total Square Footage of Existing and/or Proposed Buildings 1,200 SF

- 13. Current Zoning on Property A2

- 14. Deed Book 993 Page No. 235 Group No. 2087A

- 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? 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.

ORIGINAL Property Owner's Signature: Kelly Middendorf (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

**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 9/17/14 Fee Received \$632⁰⁰ Receipt # 69573
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
10/8/14 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: The pole barn shall be constructed with a minimum 30' front yard setback.
7. Reasons for Denial: _____

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

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

APPLICANTS: Ray Simpson and Kelly Middendorf

LOCATION: 14480 Brown Road, Boone County, Kentucky.

ZONING: Agricultural Estate (A-2)

DATE: October 8, 2014

Proposal

The applicants are requesting a variance so they can construct a 30' x 40' pole barn within the 60' front yard setback. The proposal is to reduce the front yard setback requirement from 60' to 20'.

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.

Section 3153 of the Boone County Zoning Regulations states that accessory structures or uses, as defined in Article 40 of this order (ordinance), shall be placed in the side or rear yard only, but not the corner side yard, and shall be no closer than five (5) feet to any property line in all zoning districts (refer to Section 3122 for setbacks along freeway, expressway, arterial, or collector roads).

Accessory structures or uses may be located in the front yard area or corner side yard area in Agricultural zones or for agricultural uses located in other zones provided the respective front yard or corner side yard setback is met.

Table 31.1 of the Boone County Zoning Regulations lists the front yard setback requirement in an A-2 zoning district as 60'.

Site Characteristics

The subject property is approximately 5 acres in area and is located on the east side of Brown Road. The property contains a single-family residential dwelling, which is located in the north central portion of the site. Access to the house is provided from an asphalt driveway that connects to Brown Road. The property also contains a garden along Brown Road, a substantial pond, and significant tree cover along the rear of the property. Boone County GIS shows that the topography of the parcel falls from 810' above sea level at Brown Road to 730' above sea level at the rear property line. Owen Electric Cooperative utility lines cross Brown Road and are located in the northwestern portion of the site.

Surrounding Land Uses and Zoning

North: Single-Family Residential Dwelling and Pole Barn on a 5 Acre Tract (A-2)

South: Single-Family Residential Dwelling and Pole Barn on a 5 Acre Tract (A-2)

East: 50 Acre Farm Fronting on Brown Road (A-2)

West: Brown Road and Three Single Family Residential Dwellings (A-2)

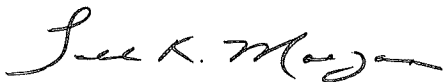
Staff Comments

1. Staff would like to see the front yard setback requirement met or increased as much as possible. Staff acknowledges that the grade of the property falls off the further you get from the front property line. Staff will provide some photos at the Board of Adjustment meeting showing the subject and surrounding areas.
2. Staff called Owen Electric Cooperative regarding the proposal because electric poles are located within close proximity of the proposed structure. Owen Electric indicated that the property owner needs to call them prior to construction so they can verify the pole barn will not be located in their easement.
3. Staff would like the applicant to address the following:
 - A. The area directly across the driveway is relatively flat and contains a small garden. Was any thought given to placing the pole barn in this area?
 - B. What are the proposed exterior construction materials of the pole barn?

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/tlb

Attachments

- *Site Vicinity Map
- *Proposal
- *2012 Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

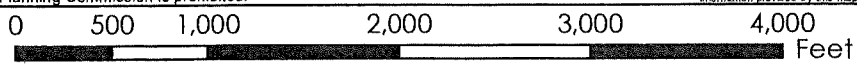
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 1,000 feet

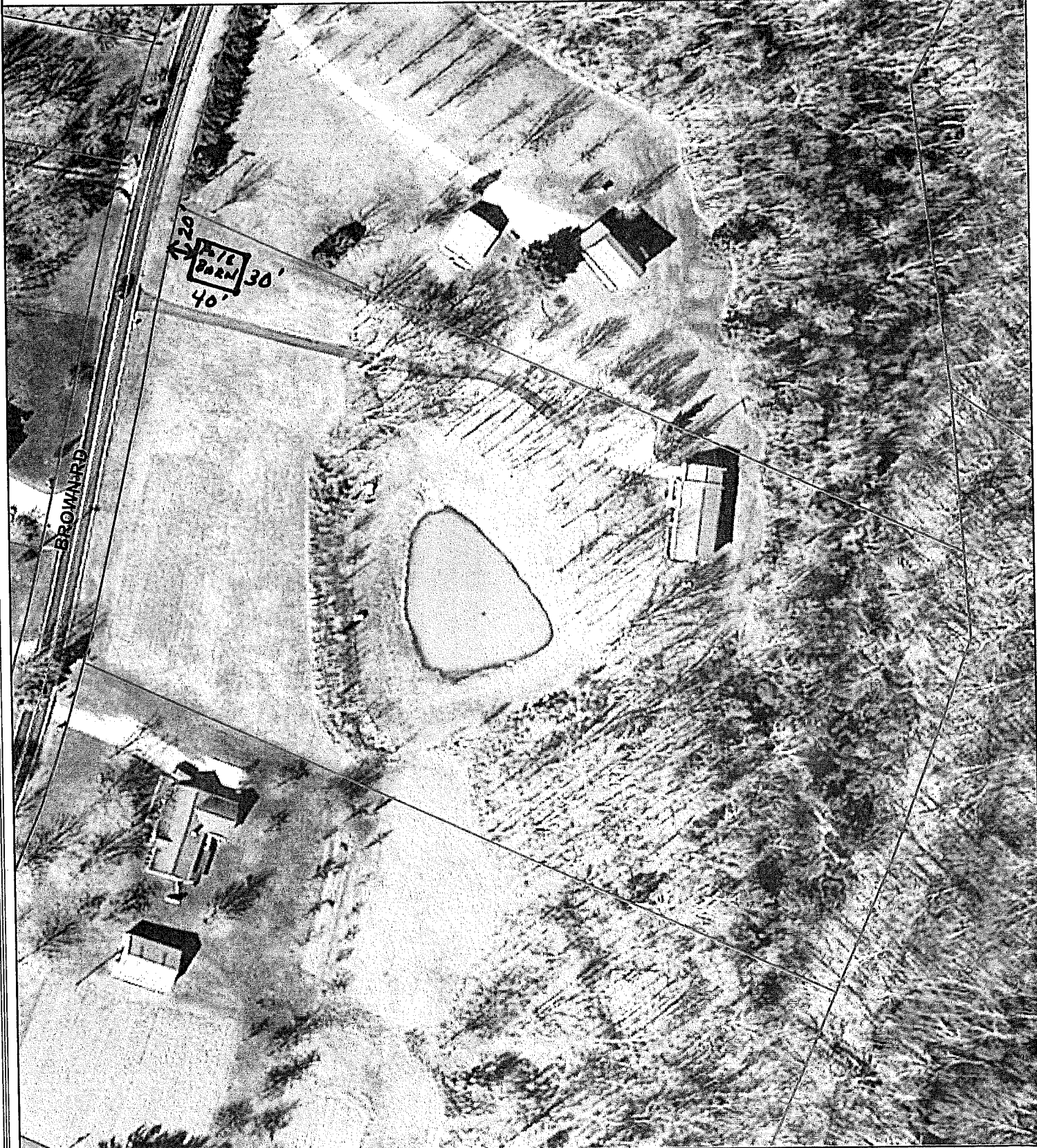


Boone County GIS - Putting Northern Kentucky on the Map



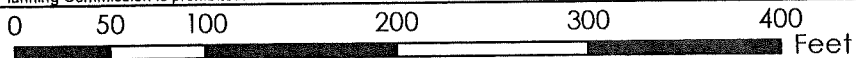
PROPOSAL

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1 inch = 100 feet



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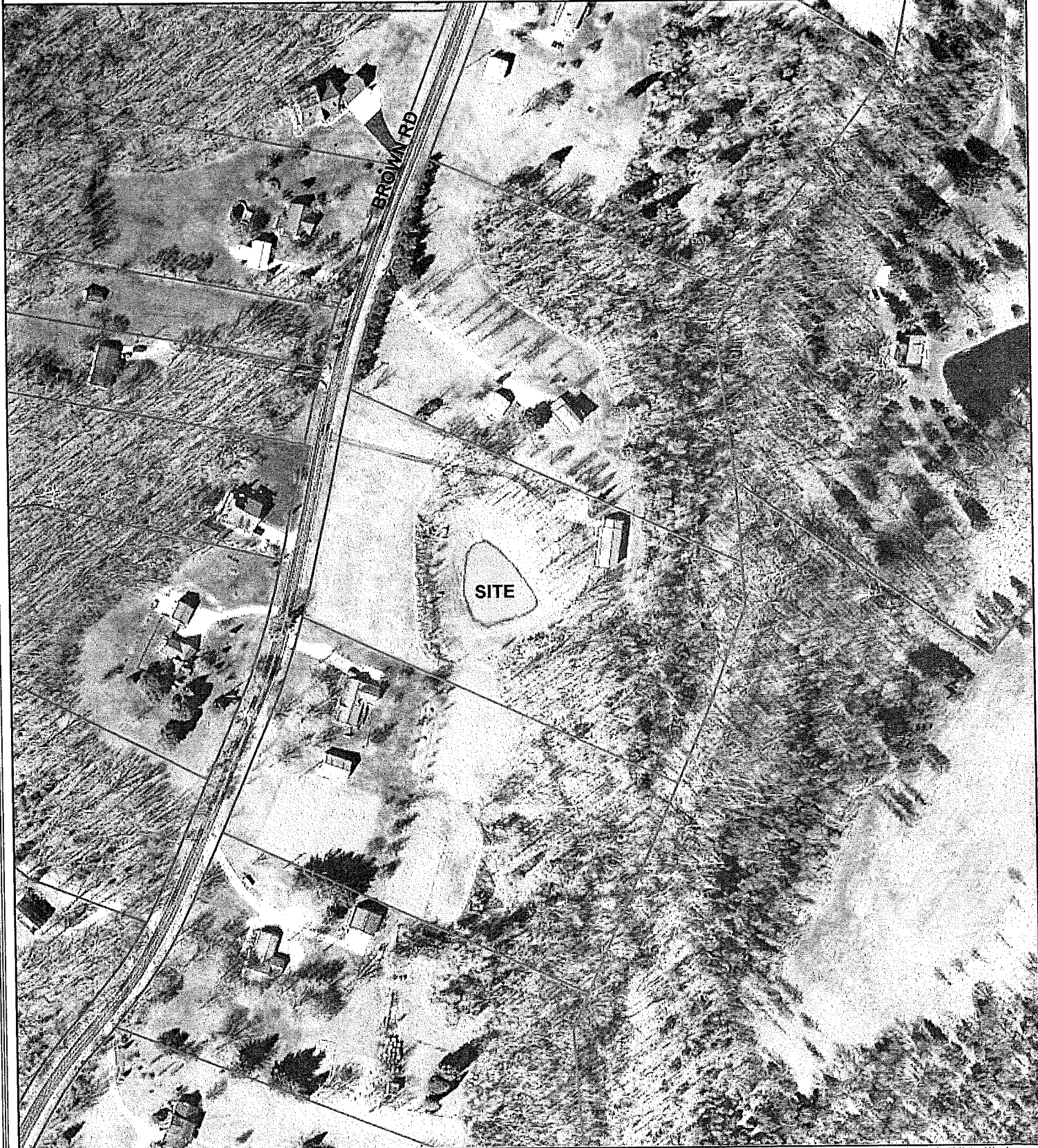


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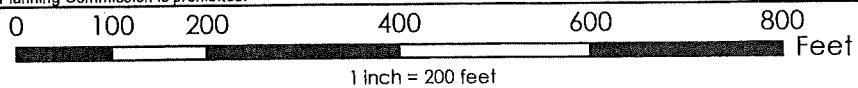
2012 AERIAL MAP

www.boonecountygis.com



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Map Created: 07/01/2013

AmMap Document: BooneMap (14).mxd

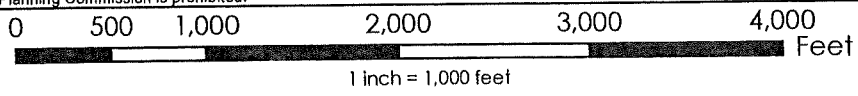
ZONING MAP

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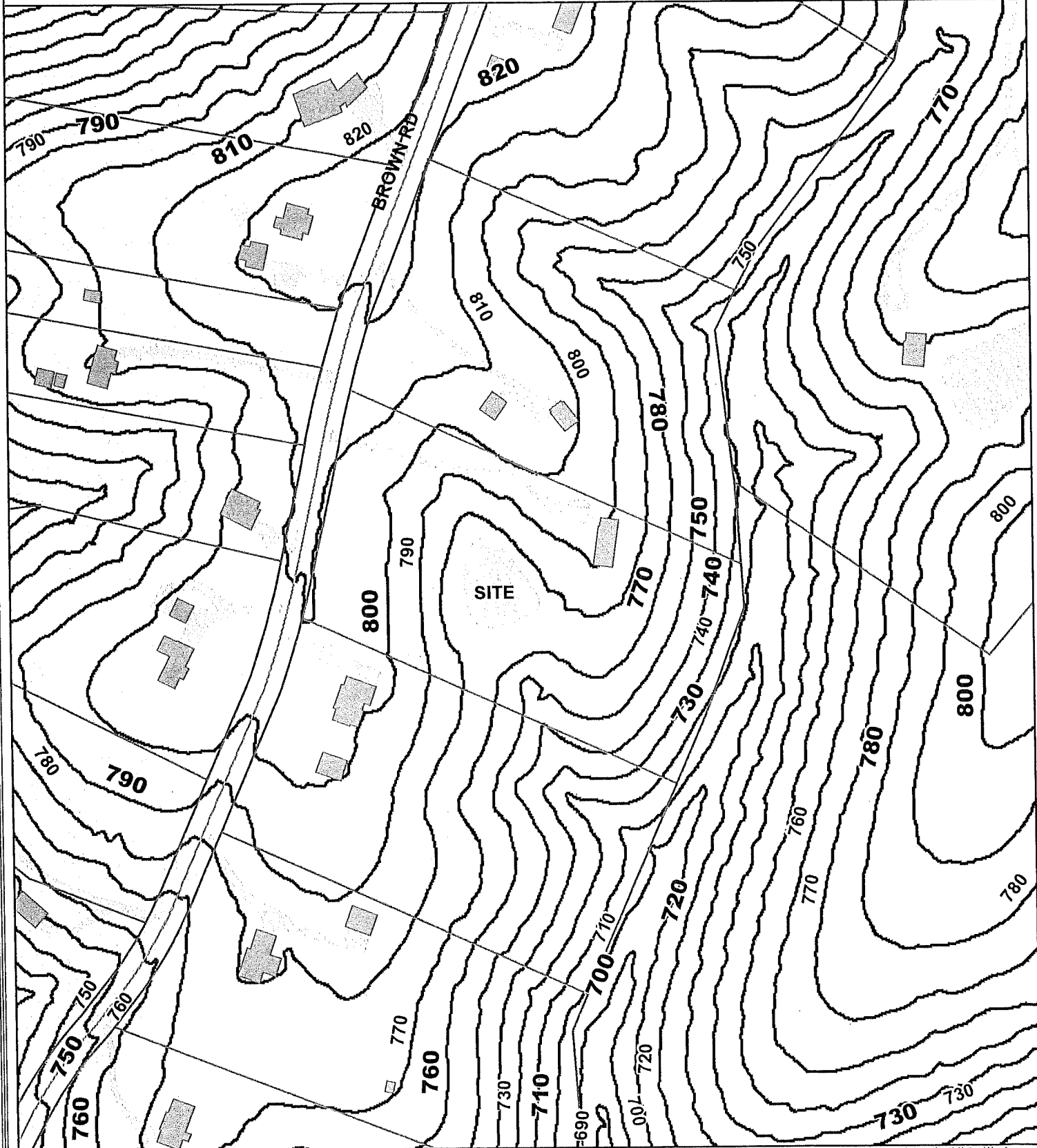
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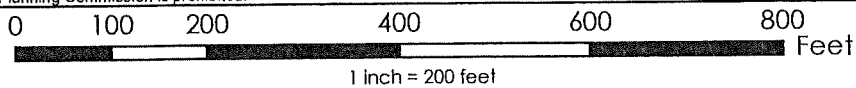
TOPOGRAPHICAL MAP

www.boonecountygis.com



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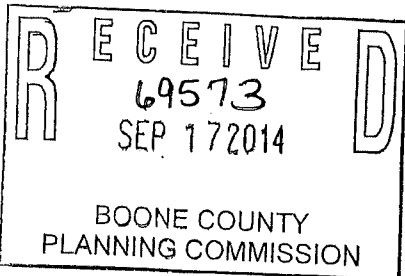


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Source: ArcMap Document: BooneMap (Map).mxd

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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See Boone County Zoning Regulations

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- 1. (Check One) [X] Boone [] Florence [] Walton [] Union
2. (Check One) [] Conditional Use Permit [X] Variance [] Appeal
3. Applicant's Name Kelly Middendorf & Ray Simpson 859-630-6290
Applicant's Address 14480 Brown Rd.
Verona KY 41092
City State Zip
4. Description of Request: Changing setback distance from 60' to 20' for pole barn
5. Name of Development -
6. Location of Development 14480 Brown Rd Verona, KY 41092
7. Acreage Under Review -
8. Lot Number and Name of Subdivision (if part of a subdivision) -
9. Owner of Property Kelly Middendorf
Address of Property Owner 14480 Brown Rd.
10. Verona KY 41092
City State Zip
Phone Number 859-380-7978 Fax No. - E-Mail -
11. Proposed Use(s) on Site Storage
12. Total Square Footage of Existing and/or Proposed Buildings 1,200 SF
13. Current Zoning on Property A2
14. Deed Book 993 Page No. 235 Group No. 2087A
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? 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.

ORIGINAL Property Owner's Signature: Kelly Middendorf
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Kelly Middendorf
14480 Brown Road
Verona, KY 41092

2. ADDRESS OF PROPERTY

14480 Brown Road
Verona, Ky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 993

PAGE NO. 235

GROUP NO. 2087A

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

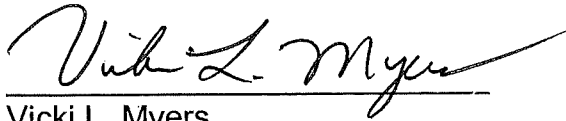
Name and Title of Completing Official

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 9 day of October, 2014.



Vicki L. Myers

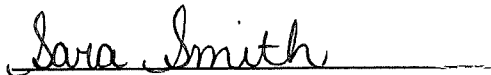
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Sara Smith

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 Condition of Approval applies to the variance approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of October 8, 2014 Certificate of Land Use Restriction (#14-BCBOA-013-A), for Kelly Middendorf, Property Owner.

The following condition will apply:

- 1. The pole barn shall be constructed with a minimum 30' front yard setback.**

The approved variance as well as the preceding condition applies to the property described in:

DEED BOOK 993

PAGE NO. 235

GROUP NO. 2087A