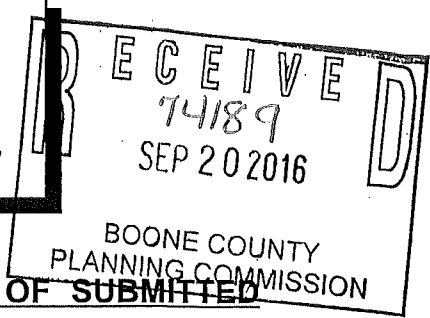


APPLICATION FORM

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)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name JOHN F. BERRY
Applicant's Address 7128 SUSAN COURT BURLINGTON KY 41005
4. Description of Request: REDUCE FRONT SETBACKS FROM 60' TO 25' DUE TO TOPOGRAPHY - WILL ALLOW MORE BUILDABLE AREA
5. Name of Development EAGLE OAK ESTATES
6. Location of Development WILMOTON, KY - OFF BEAVER RD. UNION MAILING ADDRESS
7. Acreage Under Review 4.9 ACRES (APPROXIMATE)
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT # 21 - EAGLE OAK ESTATES
9. Owner of Property JOHN & SHANNON BERRY
Address of Property Owner 7128 SUSAN CT. BURLINGTON KY 41005
10. Phone Number 513-328-1233 Fax No. _____ E-Mail jberry@enquirer.com
11. Proposed Use(s) on Site RESIDENTIAL BUILDING
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property A-2
14. Deed Book 1026 Page No. 426 Group No. 2076 A
15. Is the site subject to a zone change?
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.

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

ORIGINAL Applicant's Signature: [Signature] (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 9-20-16 Fee Received \$632⁰⁰ Receipt # 74189
2. Is application complete? Yes No
3. Staff Reviewer Vinnie Fazzino
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions** (See #6)
10-12-16 **Denial** (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: see 10-12-16 meeting minutes.

**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

APPLICANT: John F. Berry

LOCATION: Lot 21, Eagle Oak Estates Subdivision. The property is a 4.9 acre lot that is currently part of the Eagle Oak Estates Subdivision. The property is located at the southwest side of the cul-de-sac bulb of Eagle Ridge and has an address of 12241 Eagle Ridge, Boone County, Kentucky.

ZONING: Agricultural Estate (A-2)

DATE: October 12, 2016

PROPOSAL

The applicant has requested a variance so that a future detached single family residence can encroach into the front yard setback along Eagle Ridge. The request is to reduce the required 60' front yard setback to 25'. The request is only for Lot 21, and does not apply to any other part of the subdivision.

SITE HISTORY

On September 23, 2005, the Boone County Planning Commission approved an Improvement Plan for Eagle Oak Estates, Phase One. This phase consists of eighteen residential lots on 54.67 acres served by one public road. The road and water lines have been constructed.

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 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 lists the setback requirements for a detached single-family residence in an A-2 zone as 60' front yard, 25' rear yard, and 10' side yards.

SITE CHARACTERISTICS

The 4.9 acre lot is located on the southwest side of the cul-de-sac bulb of Eagle Ridge. The site is currently vacant. The topography of the lot drops from approximately 820 feet at the edge of the cul-de-sac's pavement to approximately 810 feet at the 60 foot setback line and further drops to approximately 670 feet at the southern edge of the lot. The total fall of approximately 150 feet occurs over a distance of 870 feet which is the depth of the lot along the eastern property line.

SURROUNDING LAND USES & ZONING

- A. The remainder of Phase One of Eagle Oak Estates lies to the north, and west of the subject tract (A-2).
- B. A future phase of Eagle Oak Estates lies to the east of the subject tract (A-2).
- C. A wooded area of an adjacent farm is located to the south of the subject tract (A-2).

STAFF COMMENTS

The Board needs to analyze the variance criteria before acting on the request. Staff believes that the proposal effectively meets the statutory variance criteria due to the topography of the site. The topography presents a special circumstance that is unique to this property and also presents an unnecessary hardship. The applicant has had several interested parties who have opted not to purchase the lot because of the topography, grade changes, and the required 60' front setback.

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,



Vinnie Fazzino
Zoning Services

VF/tlb

Attachments

- Location map w/ aerial photograph
- Zoning map
- Topography map
- Application materials

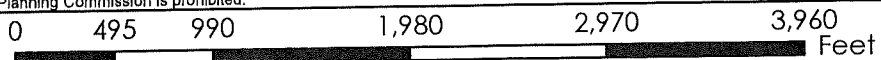
Lot 21, Eagle Oak Estates

www.boonecountygis.com



Copyright 2015 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Map Created: 01/01/2015

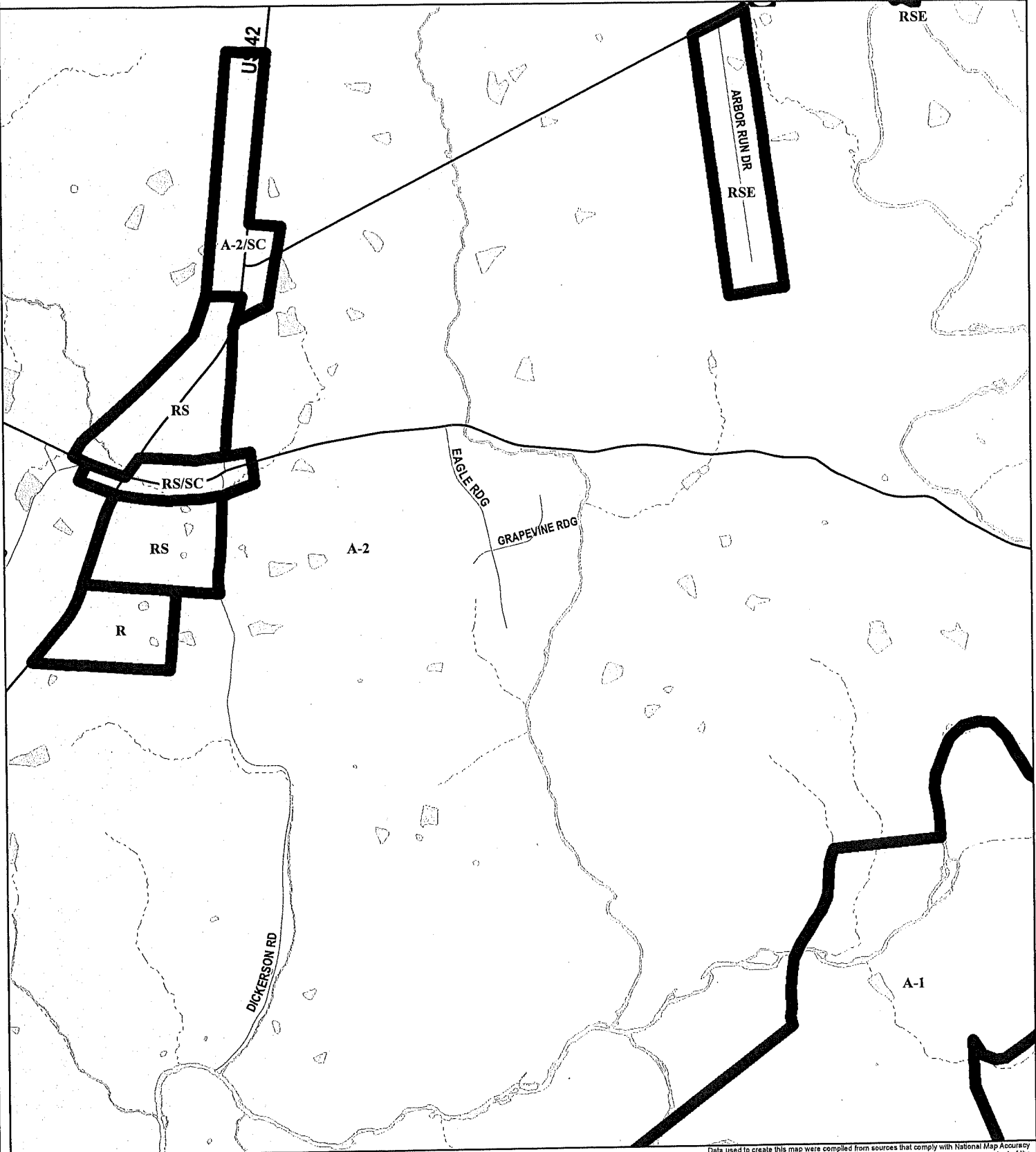
Boone County GIS - Putting Northern Kentucky on the Map



World File: C:\data\boone\boone.mxd
ArcMap Document: BooneMap (file).mxd

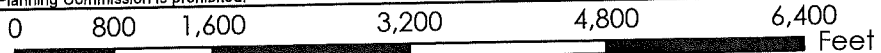
Lot 21, Eagle Oak Estates

www.boonecountygis.com



Copyright 2015 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 1,564 feet



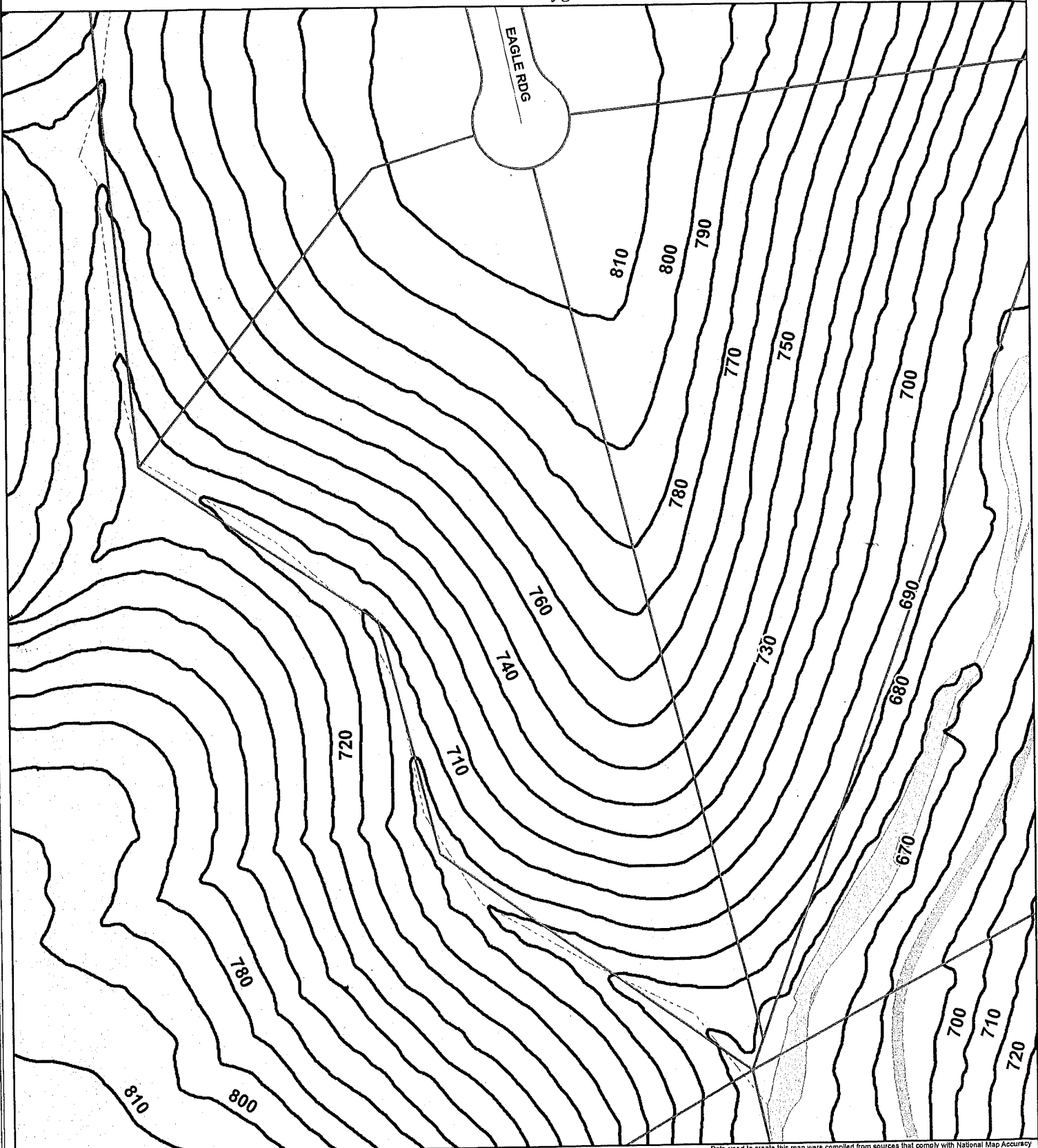
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2015

ArchMap Document: BooneMap (file).mxd

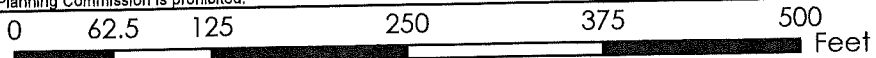
Lot 21, Eagle Oak Estates

www.boonecountygis.com



Copyright 2015 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 123 feet



Boone County GIS - Putting Northern Kentucky on the Map

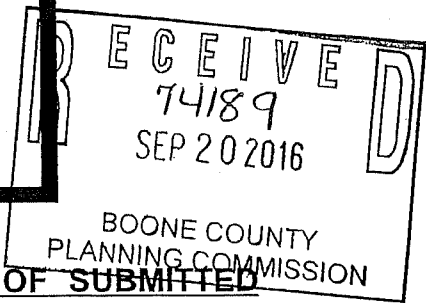


Map Created: 01/01/2015

ArchMap Document: BooneMap (file).mxd

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)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name JOHN F. BERRY
Applicant's Address 7128 SUSAN COURT BURLINGTON KY 41005
4. Description of Request: REDUCE FRONT SETBACK FROM 60' TO 25' DUE TO TOPOGRAPHY - WILL ALLOW MORE BUILDABLE AREA
5. Name of Development EAGLE OAK ESTATES
6. Location of Development WALTON, KY - OFF BEAVER RD. UNION MAILING ADDRESS
7. Acreage Under Review 4.9 ACRES (APPROXIMATE)
8. Lot Number and Name of Subdivision (if part of a subdivision) LOT # 21 - EAGLE OAK ESTATES
9. Owner of Property JOHN & SHANNON BERRY
Address of Property Owner 7128 SUSAN CT. BURLINGTON KY 41005
10. Phone Number 513-328-1233 Fax No. _____ E-Mail jberry@enquirer.com
11. Proposed Use(s) on Site RESIDENTIAL BUILDING
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property A-2
14. Deed Book 1026 Page No. 426 Group No. 2076 A
15. Is the site subject to a zone change?
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.

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

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