

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. Boone _____ Florence _____ Walton _____ Union _____
- (Check One)
2. _____ Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use
3. Applicant's Name CARL W. CRONE
 Applicant's Address 4576 RIVER RD
HEBRON KY 41049
 City State Zip
 4. Phone Number 859-586-6005 Fax No. _____ E-Mail _____
 Description of Request: NON-CONFORMING CHANGE
 5. Name of Development NA
 6. Location of Development 4576 RIVER RD HEBRON, KY
 7. Acreage Under Review 8.1
 8. Lot Number and Name of Subdivision (if part of a subdivision)
NA
 9. Owner of Property CARL W. CRONE
 Address of Property Owner 4576 RIVER RD.
HEBRON KY
 City State
 10. Phone Number 859-586-6005 Fax No. 859-586-6177 E-Mail CRONING225@GMAIL.COM
 11. Proposed Use(s) on Site POLE BARN, BOAT STORAGE STORAGE
 12. Total Square Footage of Existing and/or Proposed Buildings 3200
 13. Current Zoning on Property SRI
 14. Deed Book 463 Page No. 261 Group No. 250
 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.



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

ORIGINAL Applicant's Signature: Carl W. Crone
 (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 12/20/16 Fee Received \$632.00 Receipt # 74667
2. Is application complete? Yes No
3. Staff Reviewer Vinnie Fazzino *[Signature]*
4. Scheduled Board Action Date 1-11-17
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: None
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

APPLICANT: Carl W. Crone

LOCATION: 4576 River Road, Hebron, Boone County, Kentucky

ZONING: Suburban Residential One / Small Community Overlay (SR-1/SC)

DATE: January 11, 2017

PROPOSAL

The property owner is requesting a change in non-conforming use so a 40' x 80' (3,200 square foot) pole barn can be constructed on his property. The property currently contains one single family residential dwelling and one detached garage and is zoned Suburban Residential One / Small Community Overlay (SR-1/SC).

In the SR-1 and SC zones, accessory structures are only permitted to be located in the side or rear yard of the principal structure (residence). The existing principal structure is approximately 150' from the River Road right-of-way. The existing detached garage is approximately 110' from the River Road right-of-way and is considered legally non-conforming. The preliminary plan (see attachments) shows the barn is proposed in front of and to the west of the existing detached garage. The request would be to allow the proposed pole barn to be constructed approximately 50' from the edge of the River Road right-of-way, approximately 60' closer to the right-of-way than the existing non-conforming structure.

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to act on applications for changes in non-conforming use.

Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Section 272 of the Boone County Zoning Regulations states "where, at the time of the adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted."

KRS 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
2. The board of adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval,

effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.

3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

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.

SITE CHARACTERISTICS

The approximate 8.1 acre site contains one single-family residential dwelling unit and one detached garage. The parcel has frontage on River Road (KY-8). Access to both structures is provided from an asphalt driveway. Boone County GIS shows that the topography of the property falls from approximately 540 feet above sea level at the southern property line to 470 feet above sea level at the northern property line at the bank of the Ohio River.

SURROUNDING LAND USES & ZONING

North: Ohio River and Hilltop Basic Resources (SR-1/SC)

South: River Road (KY-8)

East: Hilltop Basic Resources (Commercial Vacant Land) (SR-1/SC)

West: Private Residence (SR-1/SC)

STAFF COMMENTS

1. The application is required because the property is zoned Suburban Residential One/Small Community Overlay (SR-1/SC). The proposal to construct an additional accessory structure is an expansion of the pre-existing, nonconforming use and would allow the additional accessory structure to be placed closer to the front property line.
2. The applicant was not aware that he would be required to apply for the change in nonconforming use and started work prior to applying. The applicant has already devoted substantial time and resources to the proposed improvement. The applicant did meet with staff prior to starting construction and due to a misunderstanding regarding the proposed location of the pole barn it was not realized that this application was necessary.

3. The applicant submitted elevations of the proposed pole barn and a map showing the proposed location of the pole barn on the site (see attached). The request for the placement of the pole barn approximately 50' from the edge of right-of-way is not a precise measurement. The applicant is confident that the placement of the structure will be a minimum of 50' from the edge of the right-of-way.
4. Staff believes that the request for the change in non-conforming use should be granted based on the characteristics of the area. Staff does not believe the proposal is any more objectionable than the existing condition.
5. The Board needs to analyze the request in terms of Sections 270 and 272 of the Boone County Zoning Regulations. Other cases dealing with Changes in Non-Conforming Use have analyzed if the proposed change is more objectionable than the existing condition.

CONCLUSION

KRS 100.253 and Section 220 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,

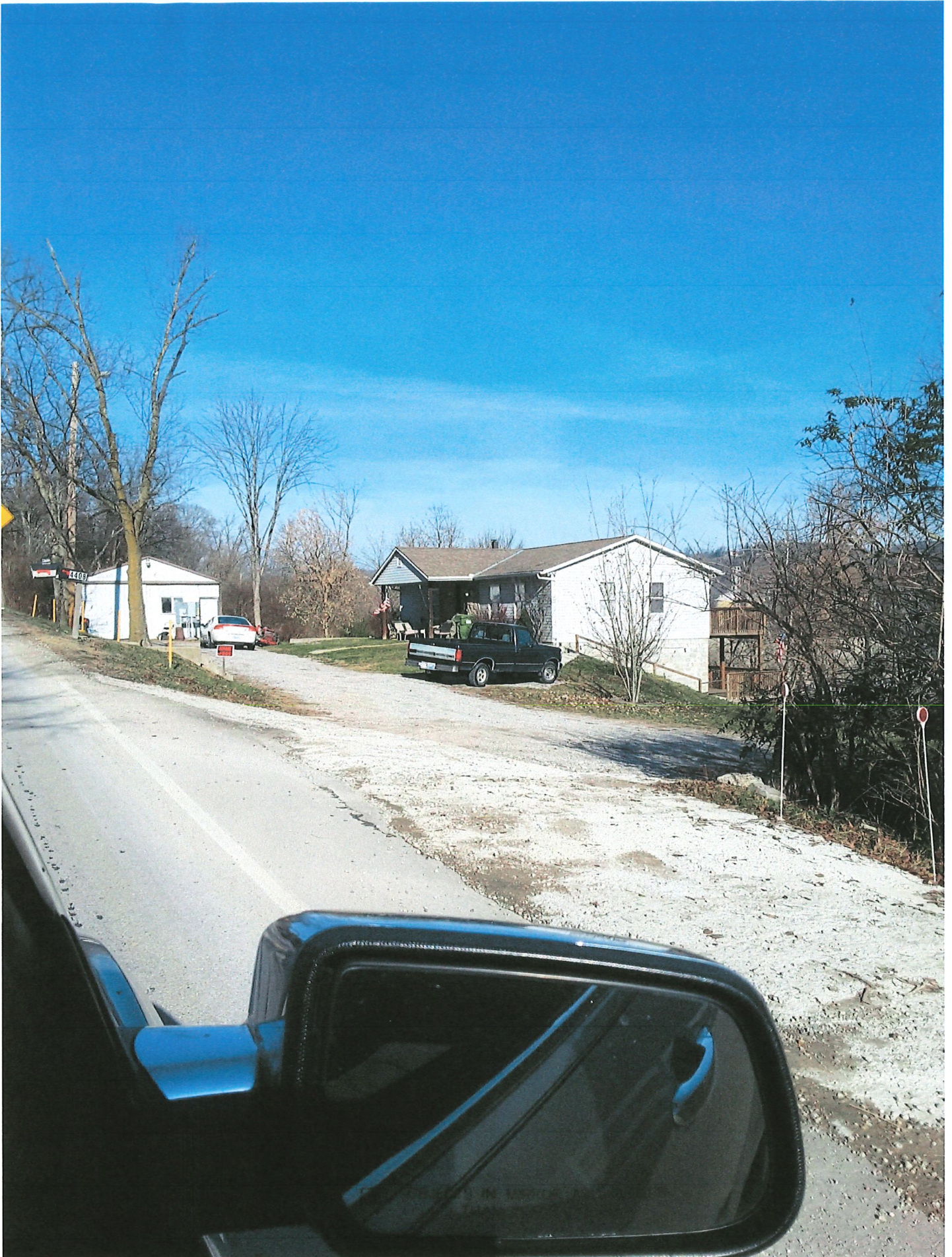
Vinnie Fazzino
Zoning Services

VF/ss

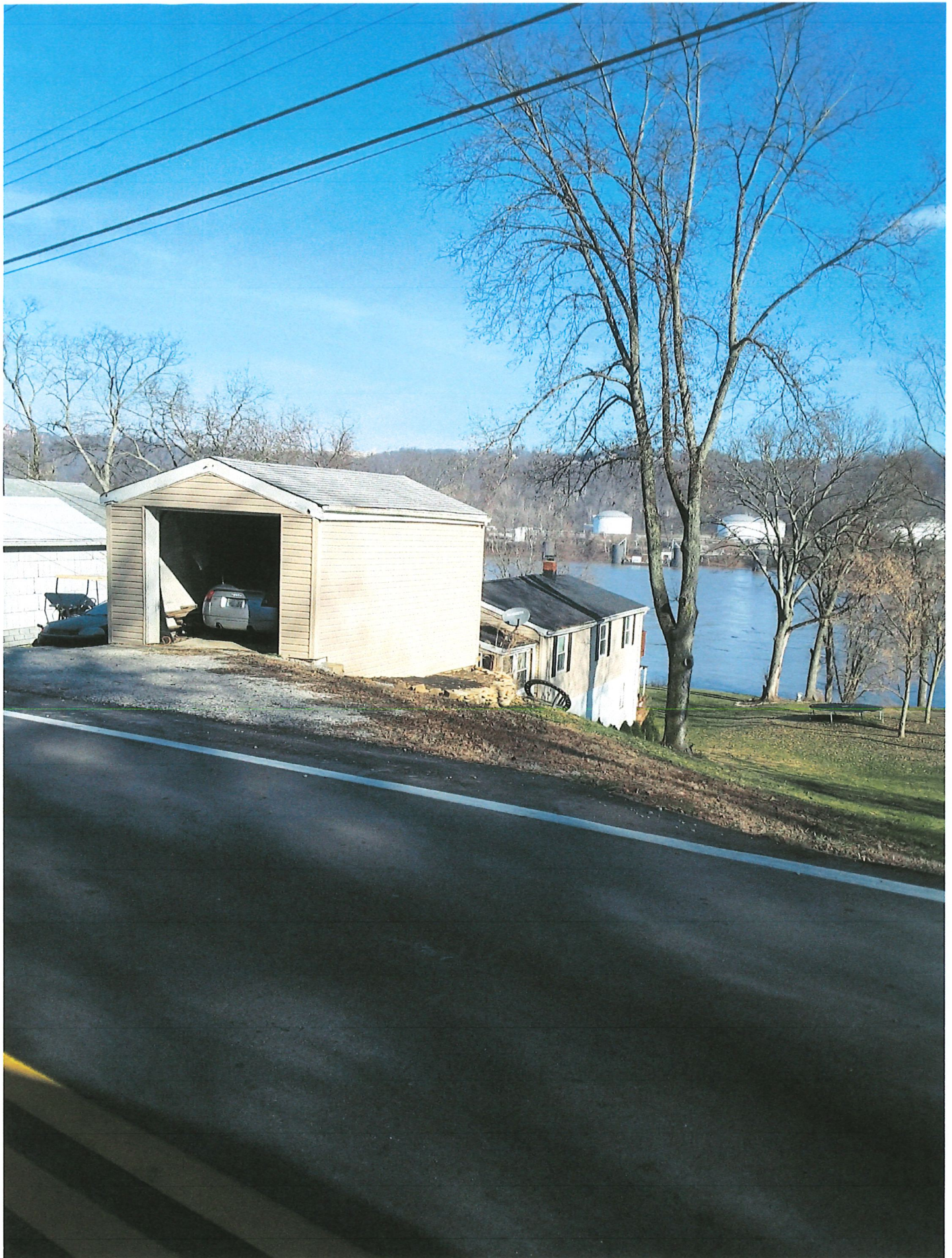
Attachments

- *Site Vicinity Map
- *Zoning Map
- *2016 Aerial Map
- *Topographical Map
- *Application
- *Pole Barn Elevation
- *Area photos submitted by the applicant showing other accessory structures in the front yard in the immediate vicinity
- *Survey submitted by the applicant completed by Viox & Viox in May, 2016
- *Site layout submitted by the applicant















COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Carl W. Crone
4576 River Rd.
Hebron, KY 41048

2. ADDRESS OF PROPERTY

4576 River Rd.
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 463 PAGE NO. 261 GROUP NO. 2009

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)

X Other: Change in Non-Conforming Use

___ 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



SIGNATURE OF COMPLETING OFFICIAL

Vinnie Fazzino – Zoning Enforcement Officer
Name and Title of Completing Official

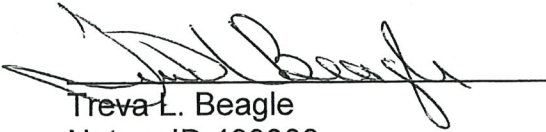
COPY

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Vinnie Fazzino

on behalf of the Boone County Planning Commission this 12 day of January, 2017.



Treva L. Beagle
Notary ID 499309
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2017

This instrument was prepared for recording purposes only by:



Ronica Wuest
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.)