

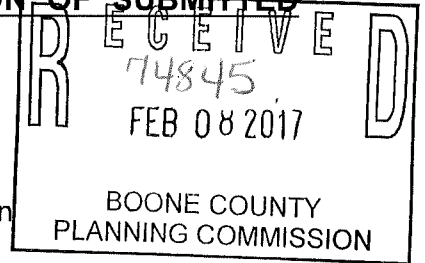
APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

ch# 120 2-8-17 1632

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 2. Conditional Use Permit Variance Appeal 3. Applicant's Name Charles Miller Address 2047 Rice Pike Union KY 41091 4. Description of Request: Reduce the 150 ft road frontage requirement on LOT 4. Reduced to 70.59 ft. 5. Name of Development Charles Miller Subdivision 6. Location of Development 2047 Rice Pike Union, KY 41091 7. Acreage Under Review 10.13 ac. 8. Lot Number and Name of Subdivision (if part of a subdivision) na 9. Owner of Property Charles Miller Address of Property Owner 2047 Rice Pike Union KY 41091 10. Phone Number 859-652-4393 Fax No. E-Mail adam@adammillerbomes.com 11. Proposed Use(s) on Site Single Family Residential 12. Total Square Footage of Existing and/or Proposed Buildings 1100 sq House 13. Current Zoning on Property A-2 14. Deed Book 3441076 Page No. 965 Group No. 2063 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.

ORIGINAL Property Owner's Signature: [Signature] ORIGINAL Applicant's Signature: [Signature]

**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 2/8/17 Fee Received \$632.00 Receipt # 74845
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
3/8/17 **Approved**  
**Approved with Conditions (See #6)**  
**Denial (See #7)**
6. Conditions of Approval: SEE 3/8/17 Meeting Minutes  
AND CLK
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](http://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: Charles Miller

LOCATION: Future 2.011 acre lot that is currently part of 2047 Rice Pike, Boone County, Kentucky.

ZONING: Agricultural Estate (A-2)

DATE: March 1, 2017

### PROPOSAL

The applicant is requesting a Variance to reduce the minimum road frontage requirement for a future lot 2.011 acre lot. The preliminary drawing shows the approximate 10.13 property, located at 2047 Rice Pike, is proposed to be subdivided into four buildable lots. The Boone County Zoning Regulations requires conventional lots, which are zoned A-2, to have a minimum of 150' of road frontage at the 60' front yard setback line. The request is to reduce the road frontage requirement of lot 4 from 150' to 70.59'.

### APPLICABLE REGULATIONS

Table 31.1 of the Boone County Zoning Regulations indicates the minimum road frontage requirement for a buildable lot in the A-2 zone is 150'.

Section 4000 of the Boone County Zoning Regulations defines lot frontage as the distance between the side property lines as measured across the required minimum front yard setback line.

Section 250 of the Boone County Zoning Regulations states the Board of Adjustment 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 needs to evaluate the request as it relates to the following variance criteria:

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 approximate 10.13 acre property is located on the south side of Rice Pike and has 296.28 feet of road frontage. The property currently contains a single-family residential dwelling, detached garage, and three farm ponds. Boone County GIS shows that the topography of the parcel falls from 890' and 880' above sea level at the southeast and northeast property lines to 830' above sea level along the western property line. The perimeter of the site is wooded with mature trees.

### ADJOINING LAND USES AND ZONING

North: 20 Acre Farm Fronting on Rice Pike and US 42 (A-2)

South: 6.8 Acre Farm Fronting on US 42 (A-2)

East: Single-Family Residential Dwellings Fronting on Rice Pike and US 42 (A-2)

West: Undeveloped 1.12 Acre Tract and 22 Acre Farm Fronting on Rice Pike (A-2)

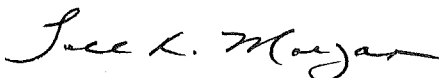
### STAFF COMMENTS

1. Denying the application will cause the applicant to lose a buildable lot. The Board needs to determine if the loss of the lot will deprive the applicant of the reasonable use of the land or cause an unnecessary hardship.
2. The plan show the four lots will share a common driveway. A note indicates the existing driveway is to be removed. Staff showed the plan to Boone County Public Works and their only comment was that an Encroachment Permit would be required.
3. Staff recommends the following conditions if the request is approved:
  - A. The four lots will share a driveway as shown on the preliminary plan.
  - B. The expanded panhandle area of lot 4 (see attachment) shall be labeled as a "non-buildable area" on the recorded plat. The non-buildable restriction would apply to both principle and accessory structures.
4. The Board needs to analyze the Variance criteria before acting on the request.

### 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

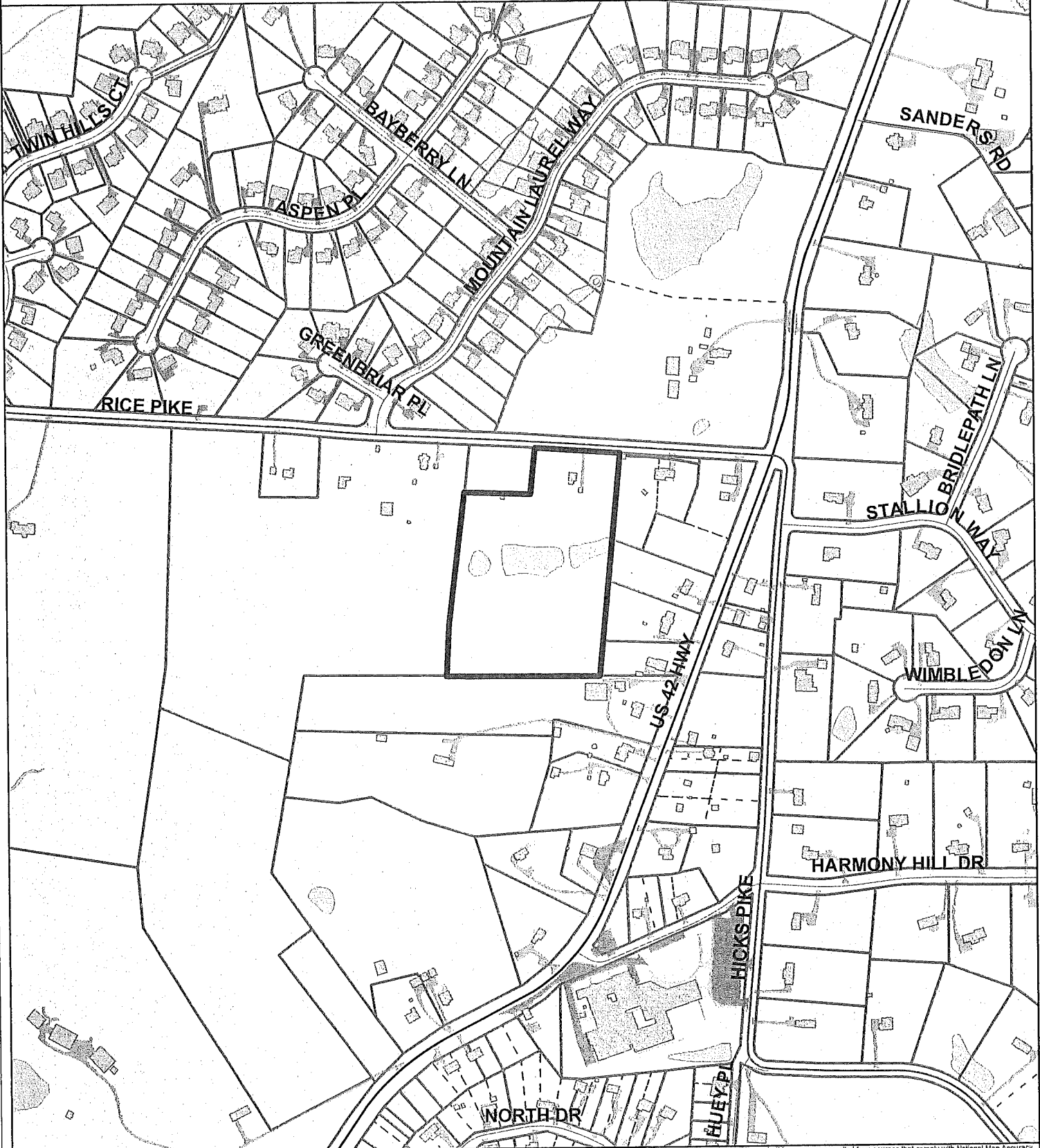
TKM/ss

Attachments

- \*Site Vicinity Map
- \*Preliminary Drawing with Adjoining Properties
- \*Preliminary Drawing
- \*Zoning Map
- \*Topographical Map
- \*2016 Aerial Map
- \*Staff Recommendation - Non-buildable limits
- \*Application

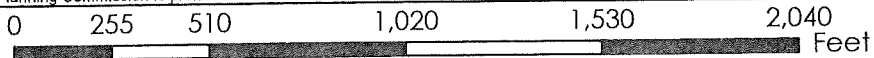
# SITE VICINITY MAP

www.boonecountygis.com

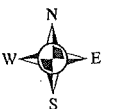


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**Boone County GIS - Putting Northern Kentucky on the Map**



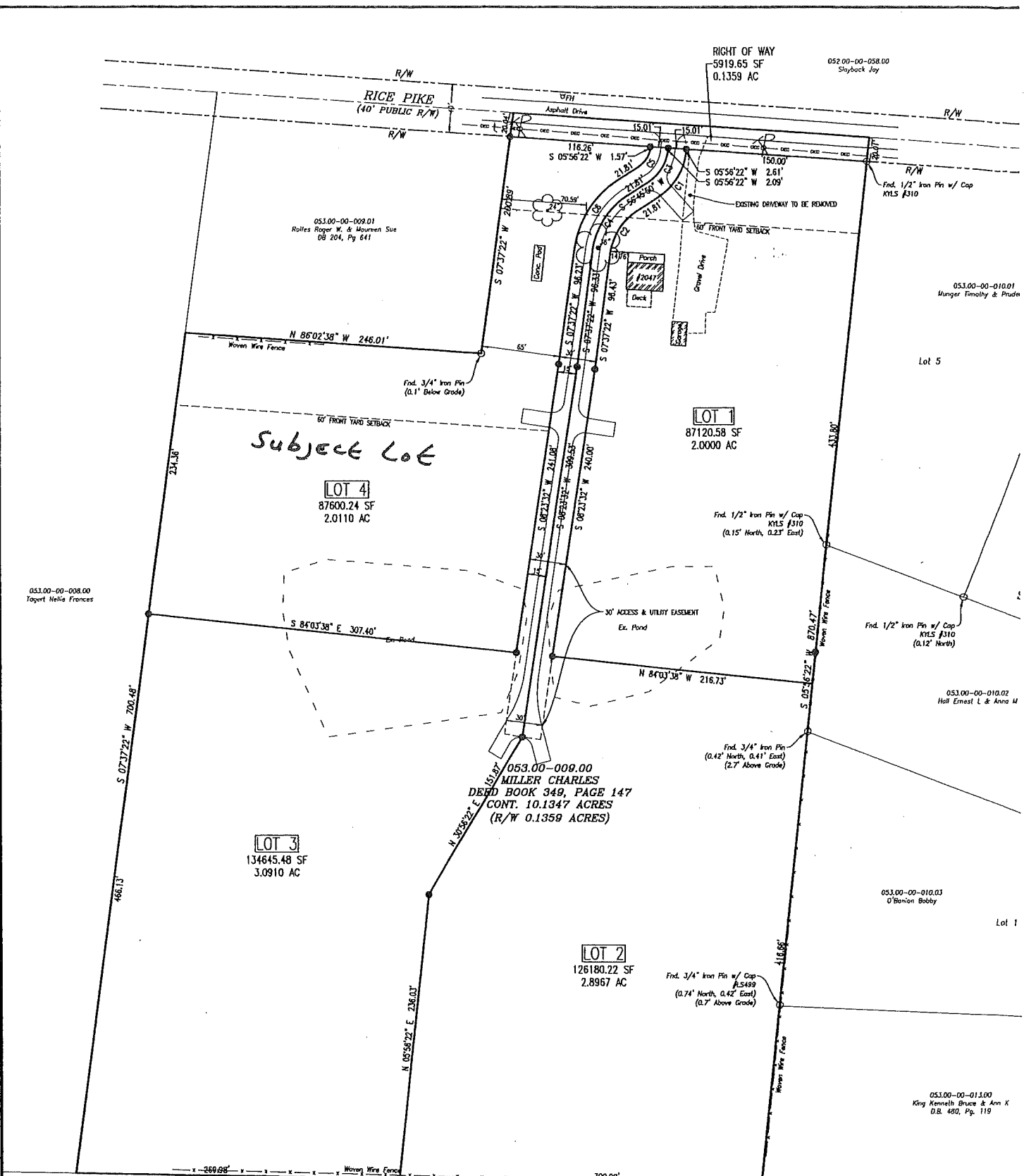
Map File Path: \\gis\boone\boone.mxd  
ArcMap Document: BooneMap (ite).mxd

Map Created: 07/01/2013



FILE LOCATION: Z:\-2016\16-0189-Adm. Miller-2047 Rice Pike DRAWINGS MODEL FILES\16-0189C-SP.dwg

RECEIVED  
FEB 08 2017  
BOONE COUNTY  
PLANNING COMMISSION



053.00-00-014.00  
Olesmeyer Donald J.  
DB 1067, Pg 265

Fnd. 1/2" Iron Pin w/ Cap  
Berkling  
(0.61' North, 0.06' East)

Fnd. 3/4" Iron Pin w/ Cap  
#5499  
(0.74' North, 0.42' East)  
(0.7' Above Grade)

Fnd. 3/4" Iron Pin  
(0.42' North, 0.41' East)  
(2.7' Above Grade)

Fnd. 1/2" Iron Pin w/ Cap  
KYLS #310  
(0.12' North)

Fnd. 1/2" Iron Pin w/ Cap  
KYLS #310  
(0.15' North, 0.23' East)

Fnd. 3/4" Iron Pin  
(0.1' Below Grade)

053.00-00-010.01  
Lunger Timothy & Prude

Fnd. 1/2" Iron Pin w/ Cap  
KYLS #310

052.00-00-058.00  
Slayback Jay

053.00-00-010.03  
O'Banion Bobby

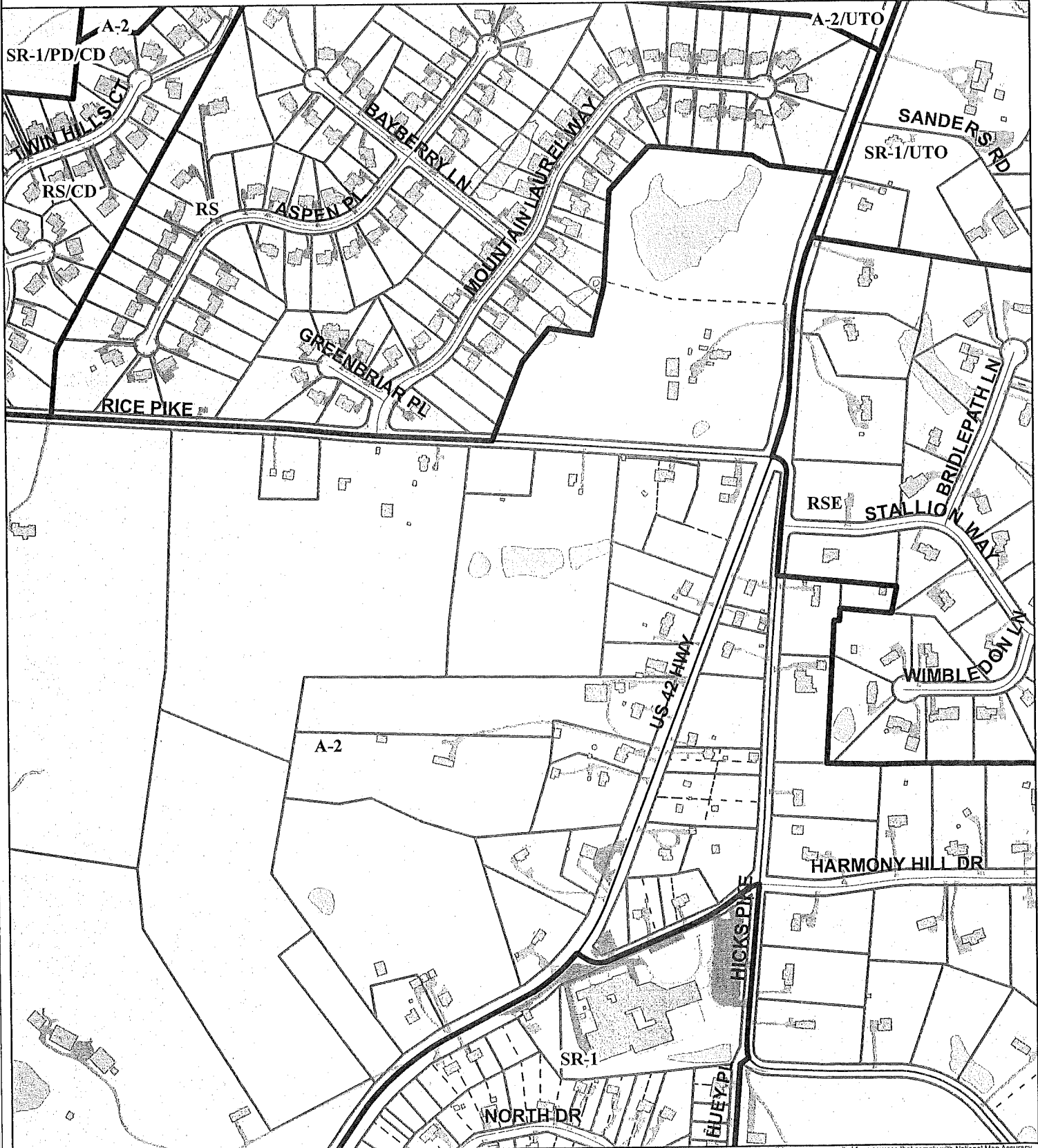
053.00-00-010.02  
Hall Ernest L & Anna M

053.00-00-011.00  
King Kenneth Bruce & Ann K  
D.B. 480, Pg. 119

Fnd. 1/2" (0.1)

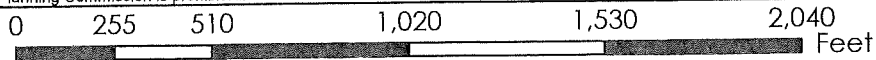
# ZONING MAP

www.boonecountygis.com

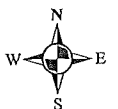


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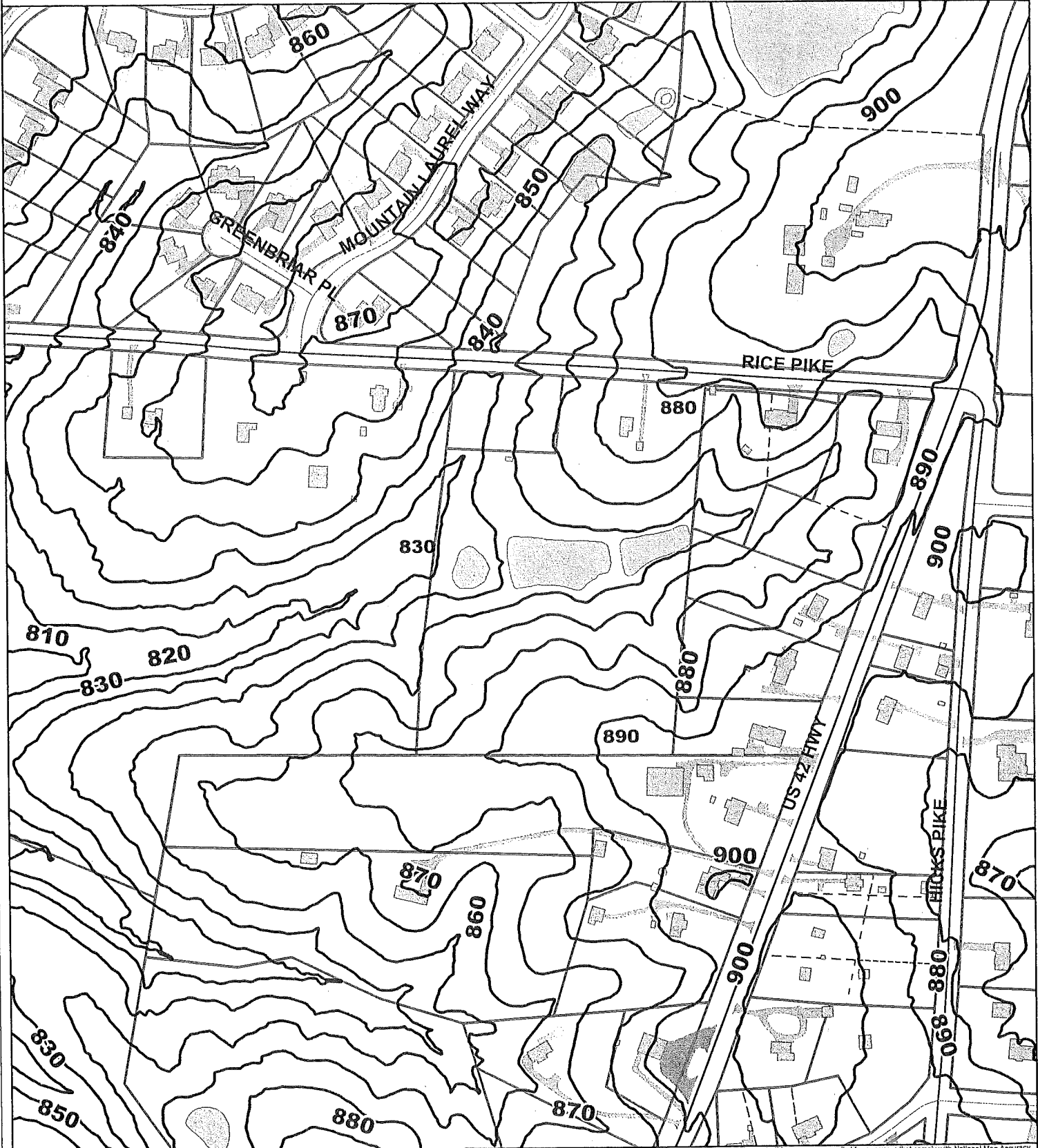
1 inch = 500 feet



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

# TOPOGRAPHICAL MAP

www.boonecountygis.com



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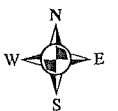
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0 150 300 600 900 1,200 Feet

1 inch = 300 feet



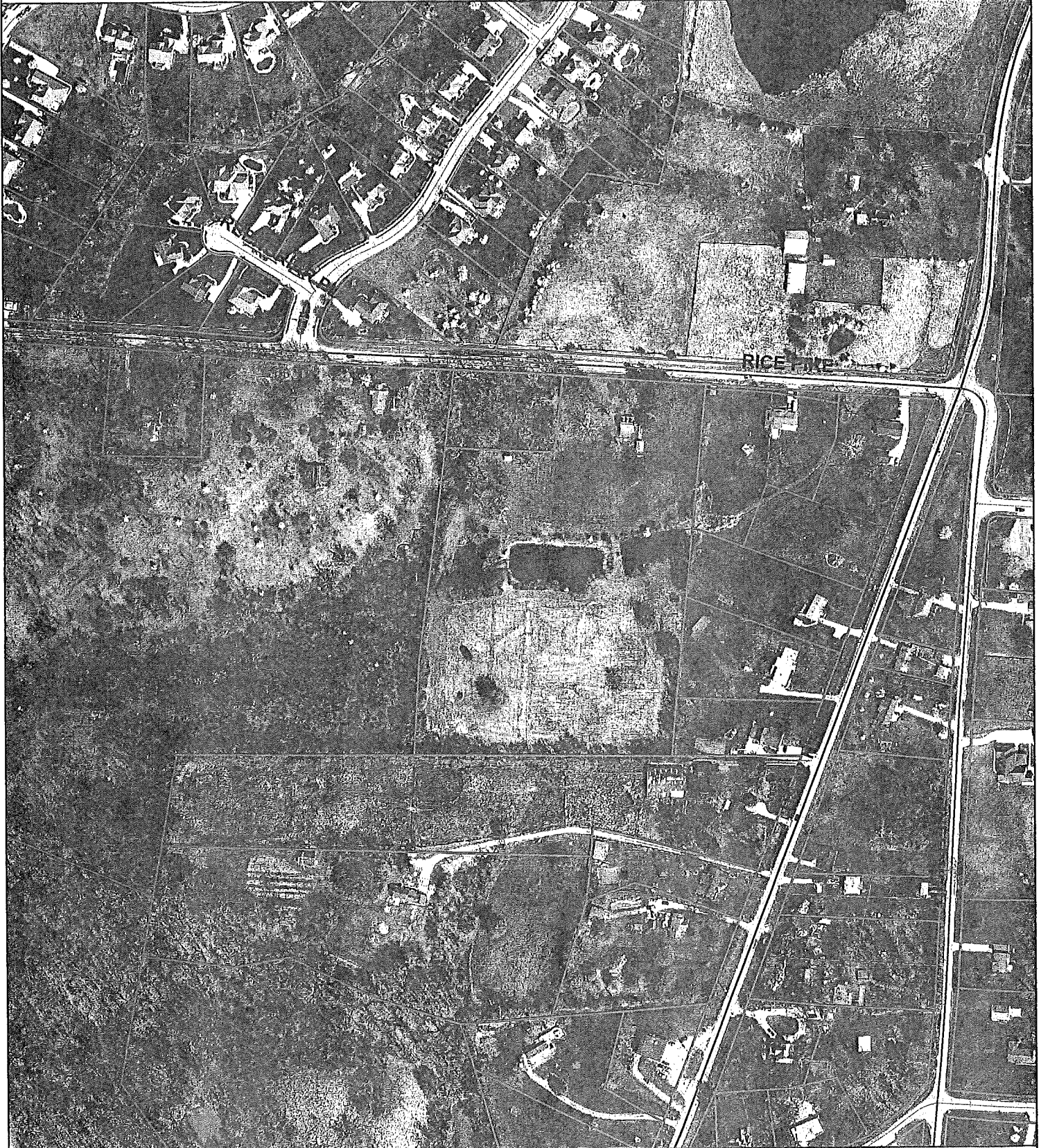
**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 07/01/2013  
ArcMap Document: BooneMap (ite).mxd

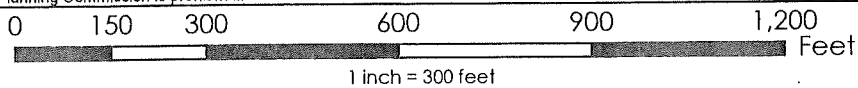
# 2016 AERIAL MAP

www.boonecountygis.com



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

Map Created: 07/01/2013

Arch/Map Document: BooneMap (16).mxd



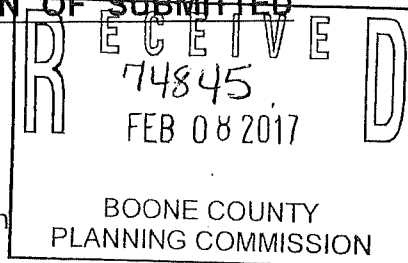
APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

ch# 120  
2-8-17  
\$632.00

**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)
- Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
  - (Check One)  
 Conditional Use Permit \_\_\_\_\_  Variance \_\_\_\_\_  Appeal \_\_\_\_\_  
 Change in Non-Conforming Use \_\_\_\_\_
  - Applicant's Name Charles Miller  
 Applicant's Address 2047 Rice Pike  
Union KY 41091  
 City State Zip  
 Phone Number 859-652-4393 Fax No. - E-Mail adam@adammillermom.com
  - Description of Request: Reduce the 150 ft road frontage requirement on LOT 4. Reduced to 70.59 ft.
  - Name of Development Charles Miller Subdivision
  - Location of Development 2047 Rice Pike  
Union, KY 41091
  - Acreage Under Review 10.13 ac.
  - Lot Number and Name of Subdivision (if part of a subdivision)  
na
  - Owner of Property Charles Miller  
 Address of Property Owner 2047 Rice Pike  
Union KY 41091  
 City State Zip  
 Phone Number 859-652-4393 Fax No. - E-Mail adam@adammillermom.com
  - Proposed Use(s) on Site Single Family Residential
  - Total Square Footage of Existing and/or Proposed Buildings 1100 sq House
  - Current Zoning on Property A-2
  - Deed Book 349 Page No. 147 Group No. 2063
  - Is the site subject to a zone change? no  
 If yes, give date of approval \_\_\_\_\_
  - Have you submitted a Site Plan with this request? yes
  - Have you submitted a list of adjoining property owners with this request? yes
  - 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)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Charles Miller  
2047 Rice Pike  
Union, KY 41091

2. ADDRESS OF PROPERTY

2047 Rice Pike  
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

\_\_\_\_\_

4. DEED BOOK 1076

PAGE NO. 965

GROUP NO. 2063

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 Morgan*

\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

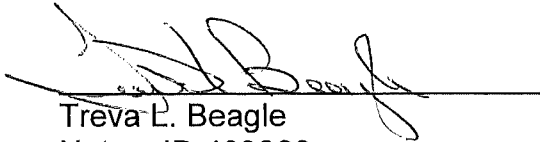
Todd Morgan, AICP – Senior Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd Morgan

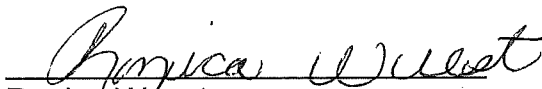
on behalf of the Boone County Planning Commission this 10 day of March, 2017.



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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the variance approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of March 8, 2017 Certificate of Land Use Restriction (#17-BCBOA-002-A), for Charles Miller, Property Owner(s).

The following conditions will apply:

1. The four lots will share a driveway as shown on the preliminary plan.
2. The expanded panhandle area of lot 4 (see attachment in Staff Report) shall be labeled as a "non-buildable area" on the recorded plat. The non-buildable restriction would apply to both principle and accessory structures.
3. An access easement shall be granted so Roger and Sue Rolfes can access their lot. The access easement shall be located within the "non-buildable area" on lot 4.

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

DEED BOOK 1076

PAGE NO. 965

GROUP NO. 2063