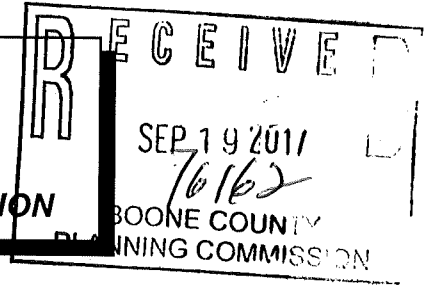


APPLICATION FORM

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 [] Variance [] Appeal [x] Change in Non-Conforming Use

- 3. Applicant's Name BRIAN HALL + Cynthia Hall
Applicant's Address 6054 LUCAS PARK
Petersburg KY 41080
City State Zip

- 4. Description of Request: Change in Non-Conforming Use to Allow a second Accessory structure in the front YARD.
E-Mail BRIANLUKEHALL@gmail.com

- 5. Name of Development

- 6. Location of Development 6054 LUCAS PARK
Petersburg, Ky 41080

- 7. Acreage Under Review 1.33

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

- 9. Owner of Property BRIAN HALL + CYNTHIA HALL
Address of Property Owner SAME AS ABOVE

- 10. City State Zip

Phone Number 859-496-4682 Fax No. E-Mail SAME

- 11. Proposed Use(s) on Site POLE BARN

- 12. Total Square Footage of Existing and/or Proposed Buildings 2400 Storage BARN (40x60)

- 13. Current Zoning on Property RS

- 14. Deed Book 1050 Page No. 287 Group No. 2015

- 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?

- 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: Brian L Hall + Cynthia Hall
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Brian L Hall + Cynthia Hall
(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 9-19-17 Fee Received \$632.00 Receipt # 76162
2. Is application complete? Yes No
3. Staff Reviewer Vinnie Fazzino
4. Scheduled Board Action Date 10-11-17
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See 10-11-17 BCBoA minutes and CLR.

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: Brian and Cynthia Hall

LOCATION: 6054 Lucas Park Drive, Boone County, Kentucky

ZONING: Rural Suburban (RS)

DATE: October 11, 2017

PROPOSAL

The property owners have submitted a Change in Non-Conforming Use application to allow a second accessory structure (40' x 60' x 16' pole barn) to be constructed in the front yard of a residentially zoned property (lot 16 of Boone Markland Subdivision). The pole barn would be used to store boats and other recreational vehicles that they own. The Change in Non-Conforming Use can be sought because a 384 square foot shed already exists in front of their house. Aerial photography shows the shed has existed in the front yard for more than 10 years.

The applicant has submitted the following plan options:

Plan A - The pole barn would be constructed near the southwest property boundary of lot 16. A note indicates that the barn location is approximate and the structure could be shifted for grading purposes. At a minimum, the structure would be setback 5' from the property lines. The existing shed would remain.

Plan B - The pole barn would be located on the southeastern property boundary of lot 16 and the existing shed could be relocated elsewhere in the front yard. The structure would be permitted to be built with zero setbacks from lots 65, 66, and 67 of Boone Markland Subdivision. These lots are all owned by family members.

Plan C - The pole barn would be located near the southeastern property boundary of lot 16 and the existing shed could be relocated elsewhere in the front yard. The pole barn would be setback a minimum of 5' from lots 65, 66, and 67 of Boone Markland Subdivision.

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 here, 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 non-conforming was adopted, nor shall the board permit a change from one (1) non-conforming use to another unless the new non-conforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain non-conforming-use status, for enlargements or extensions, made or to be made, of the facilities of a non-conforming 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 of 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 (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.

SITE CHARACTERISTICS

The subject property is approximately 1.33 acres in area and is located on the northwest side of Lucas Park Drive. The property contains an approximate 3,720 square foot house (includes basement area), 384 square foot shed, and a gazebo. The house is setback approximately 42' from the rear property line and the front yard is large. Access to the property is provided from a gravel driveway that extends to Lucas Park Drive. This driveway also provides access to two other households that are owned by the same family. The topography of the property falls from approximately 520 feet above sea level at the house to 510 feet above sea level at the northwest property boundary. Mature trees exist on site.

STAFF COMMENTS

1. Aerial photography shows the shed has existed on the property since at least 2004.
2. Section 272 of the Boone County Zoning Regulations does not permit a non-conformity to be extended beyond the area of its operation.

It is important to note the existing shed is located on lot 16 and may or may not be on lot 67 of Boone Markland Subdivision. Staff informed the applicants they would need to provide a new survey to determine if any part of the shed was located on lot 67 if they wanted to construct a portion of the pole barn on this lot. The applicants chose not to have the shed location surveyed and have kept the proposed pole barn locations entirely on lot 16.

3. The Board needs to analyze the request in terms of Sections 270 and 272 of the Boone County Zoning Regulations. The Board should also analyze if the proposed change in non-conforming use is more objectionable than the existing condition.
4. Staff recommends the following conditions if the request is approved:
 - A. The approval shall be limited to plan options A or C.
 - B. The existing shed shall not be permitted to be relocated in the front yard.
 - C. All boats, trailers, and recreational vehicles stored on the property shall be located inside the pole barn.
 - D. The pole barn shall not be used as a commercial business operation.

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,

Todd K. Morgan, AICP
Senior Planner, Zoning Services

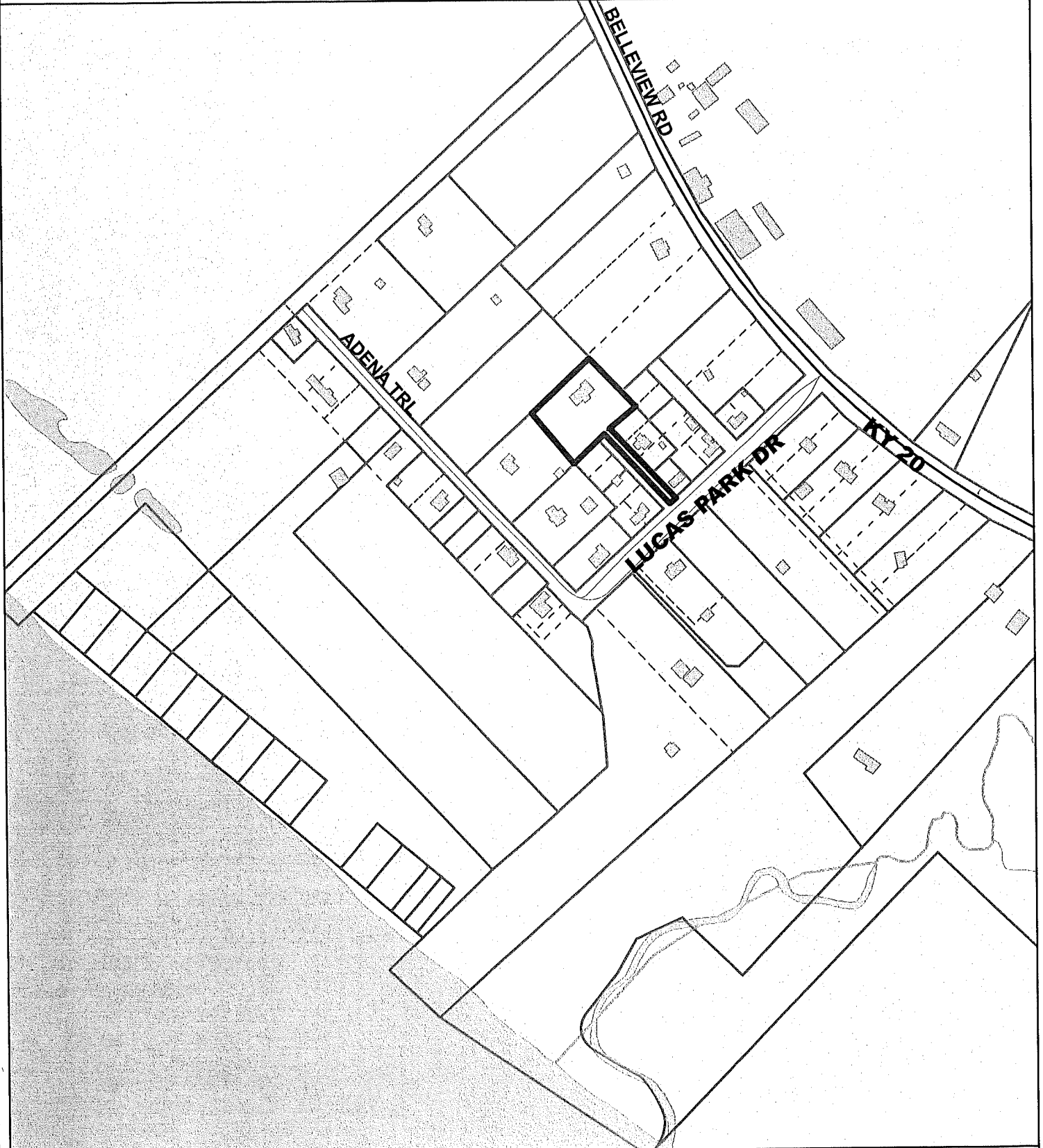
TKM/ss

Attachments

- *Site Vicinity Map
- *Plan Option A
- *Plan Option B
- *Plan Option C
- *Photo of Similar Barn
- *1988 Survey of 1.33 Acre Tract
- *Signed Petition in Support of Request From Neighbors
- *Zoning Map
- *Topographical Map
- *2016 Aerial Map
- *Application

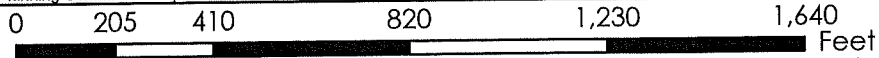
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 400 feet

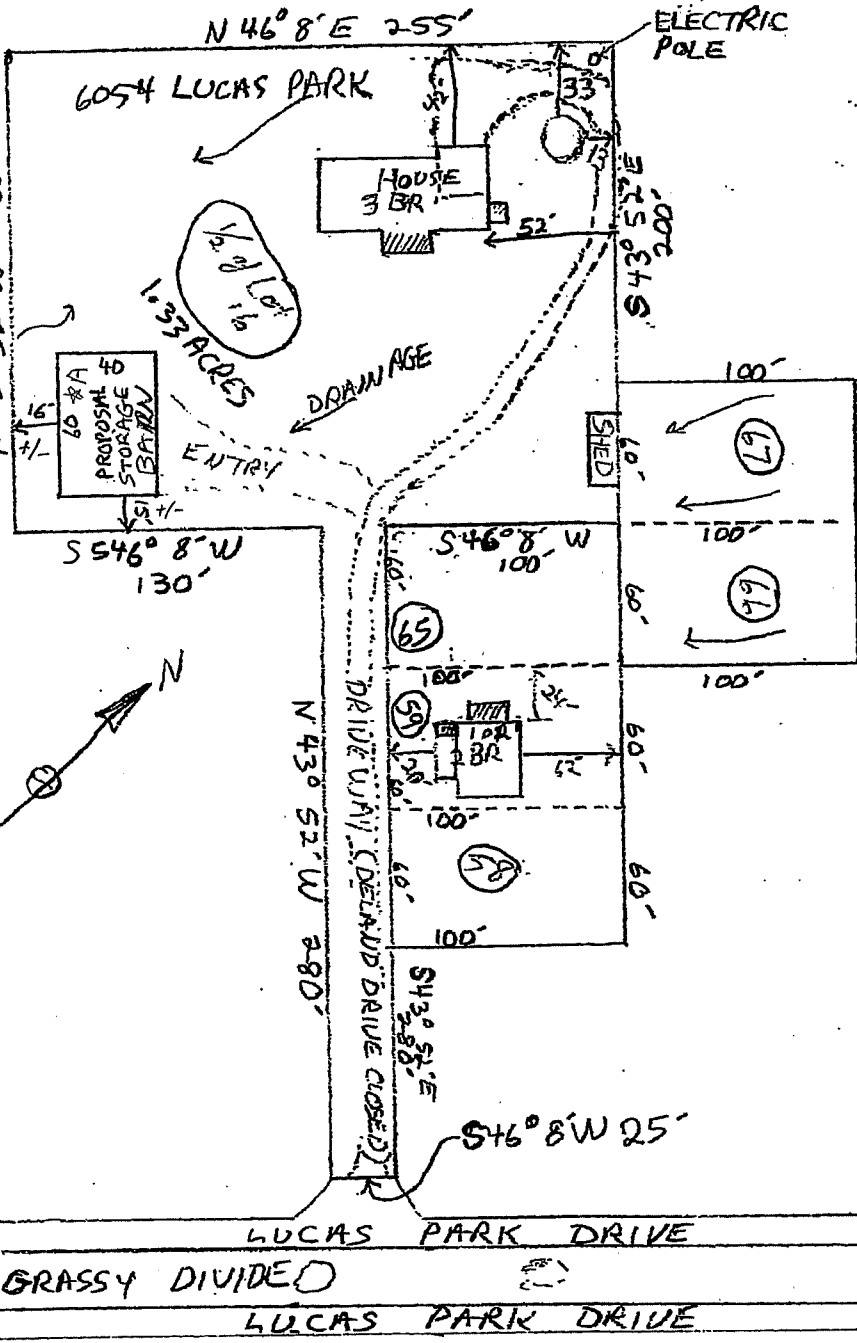


Boone County GIS - Putting Northern Kentucky on the Map



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

Barn location is approximate. It could be shifted for grading purposes. It would not be closer than 5' from a property line.



6054 SQ FT =
 HOUSE + GARAGE = 2220
 BASEMENT = 1500
3720

SMALL SHED = 384
 PROPOSED BARN = 2400
2784

PROPOSED SITE #A
 STORAGE BARN
 40x60x16

BOONE MARKLAND SUBDIVISION

1/2 LOT 16 - (2A-77) FIRST DEED 1050/287 PLAT; BK 8/44 GRP: 989
 PARCEL ID 002.02-01-016.00

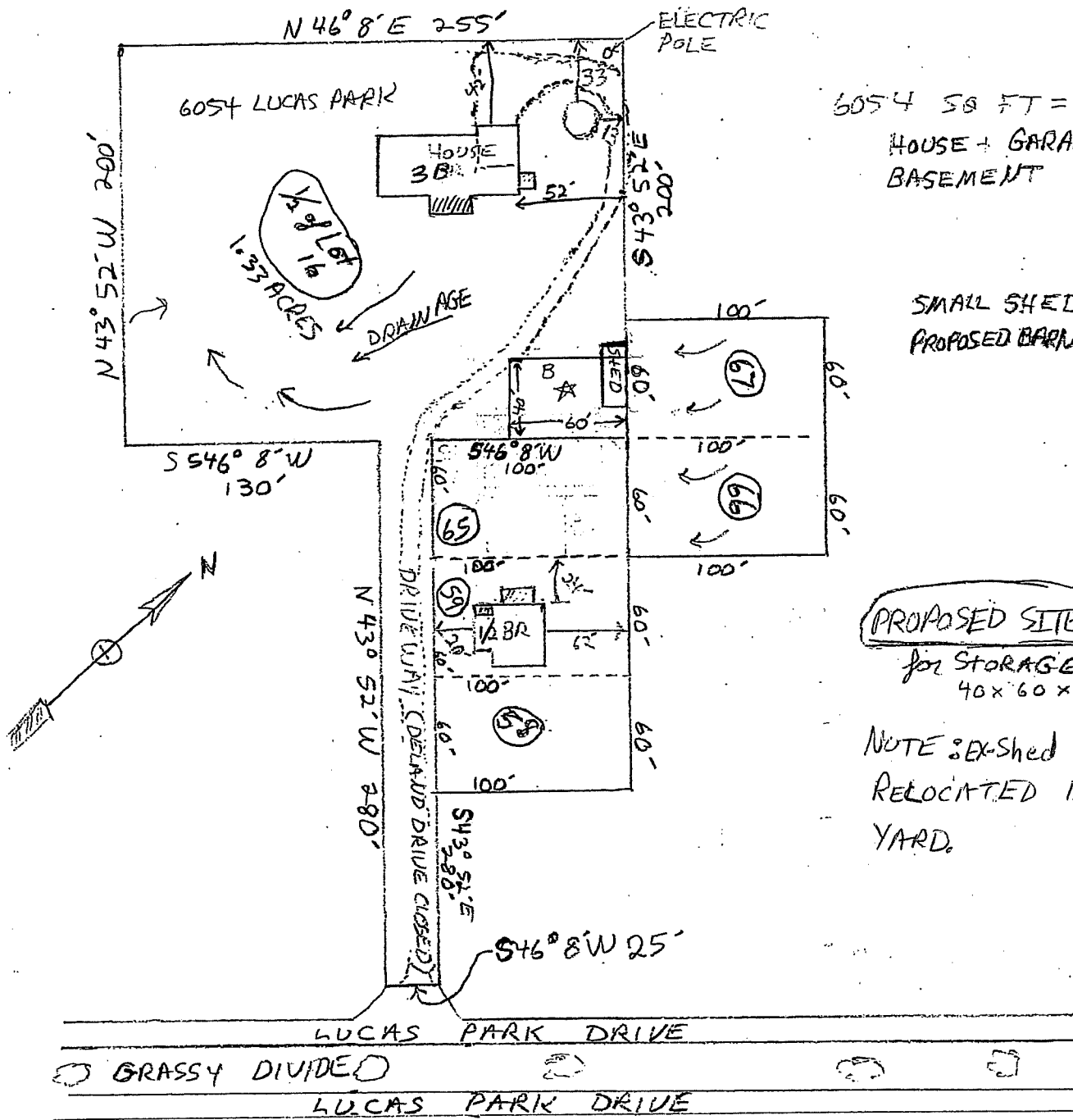
ACRES
 LOT 16 = 1.1707
 DELAND = .1106
1.33

LOTS 66(= LOTS 66 & 67 - BOONE MARKLAND (2A-66 & 67) FIRST DEED 430/260
 67) Plat 4-34. ACRES .137740 EACH = .27548 ACRES
 PARCEL ID 002.02-01-066.00

LOT 65 - LOT 65 BOONE MARKLAND (2A-65)
 1st DEED 598/278 PLAT: 4-34
 ACRES = .137741

1/2 DELAND DRIVE = ACRES .160697
 DEED CLOSING DELAND 403/92

○ LOT # → DRAINAGE LINES
 1 BLOCK = 20'
 ||||| = PORCH OR AWNING OR DECK
 ○ - TREES



6054 SQ FT =
 HOUSE + GARAGE = 2220
 BASEMENT = 1500
 3720

SMALL SHED = 384
 PROPOSED BARN = 2400
 2784

PROPOSED SITE B
 for STORAGE BARN
 40x60x16

NOTE: EX-SHED COULD BE
 RELOCATED IN FRONT
 YARD.

BOONE MARKLAND SUBDIVISION

1/2 LOT 16 - (2A-77) FIRST DEED 1050/287 PLAT; BK 8/44 GRP: 989
 PARCEL: 002.02-01-016.00

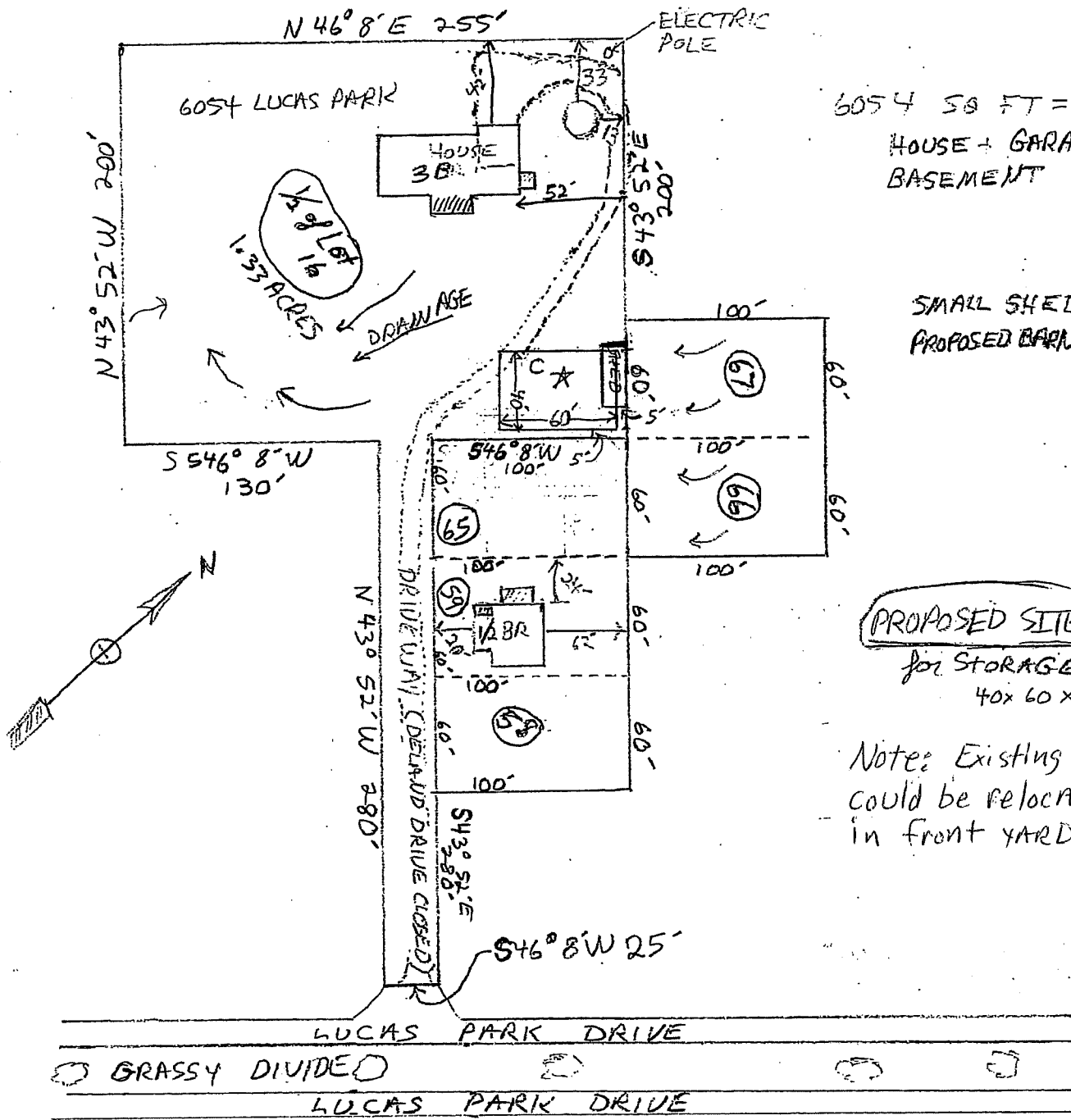
ACRES
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 1.33

LOTS 66 & 67 - BOONE MARKLAND (2A-66 & 67) FIRST DEED 430/260
 67) Plat 4-34. ACRES .137740 EACH = .27548 ACRES
 PARCEL ID 002.02-01-066.00

LOT 65 - LOT 65 BOONE MARKLAND (2A-65)
 1st DEED 598/278 PLAT: 4-34
 ACRES = .137741

1/2 DEELAND DRIVE = ACRES .160697
 DEED CLOSING DEELAND 403/92

- LOT # ← DRAINAGE LINES
- 1 BLOCK = 20'
- ||||| = PORCH OR AWNING OR DECK
- ⊗ - TREES



6054 SQ FT =
 HOUSE + GARAGE = 2220
 BASEMENT = 1500
 3720

SMALL SHED = 384
 PROPOSED BARN = 2400
 2784

PROPOSED SITE C
 FOR STORAGE BARN
 40x60x16

Note: Existing shed could be relocated in front yard.

BOONE MARKLAND SUBDIVISION

1/2 LOT 16 - (2A-77) FIRST DEED 1050/287 PLAT; BK 8/44 GRP: 989
 PARCEL: 002.02-01-016.00

ACRES
 LOT 16 = 1.1707
 DELAND = .1606
 1.33

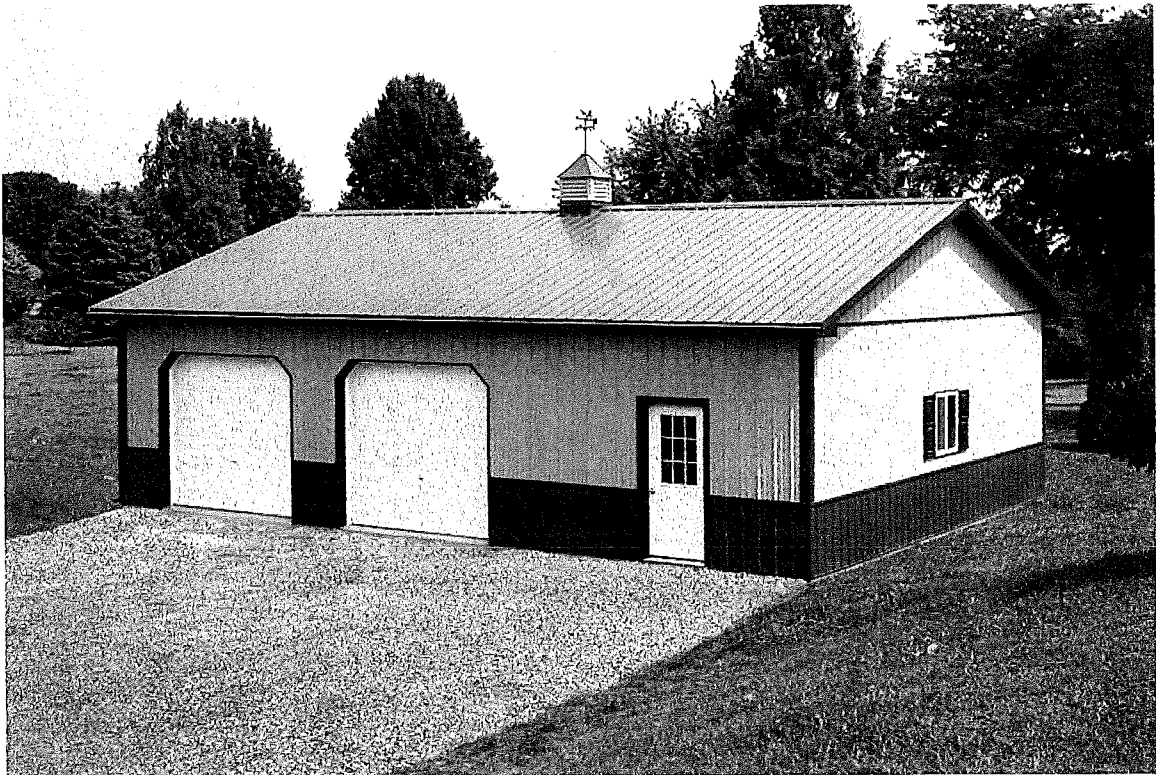
LOTS 66 & 67 - BOONE MARKLAND (2A-66 & 67) FIRST DEED 430/260
 67) Plat 4-34. ACRES .137740 EACH = .27548 ACRES
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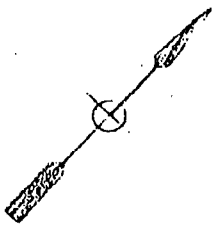
LOT 65 - LOT 65 BOONE MARKLAND (2A-65)
 1st DEED 598/278 PLAT: 4-34
 ACRES = .137741

1/2 DELAND DRIVE = ACRES .160697
 DEED CLOSING DELAND 403/92

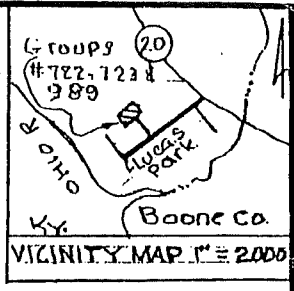
- LOT # ← DRAINAGE LINES
- 1 BLOCK = 20'
- ||||| = PORCH OR AWNING ORDER
- ⊗ - TREES

Barn Style Similar to Sample Photos
Number and Placement of Doors Will Depend on Final Pricing
Wainscoting, Trim, Overhang, and Personal Door are all to be included.





I certify that I have examined the records of the Boone Co. Clerk and find that this is the second conveyance made under the present ownership and the parent tract since 1966 or from the adoption of KRS 100.



I certify that this plat has been prepared by me or under my supervision in accordance with the Ky. Minimum Surveying Standards and complies with all requirements of the Boone Co. Zoning & Subdivision Regulations and that dedicated areas including public ways or streets are currently owned by the property owners.

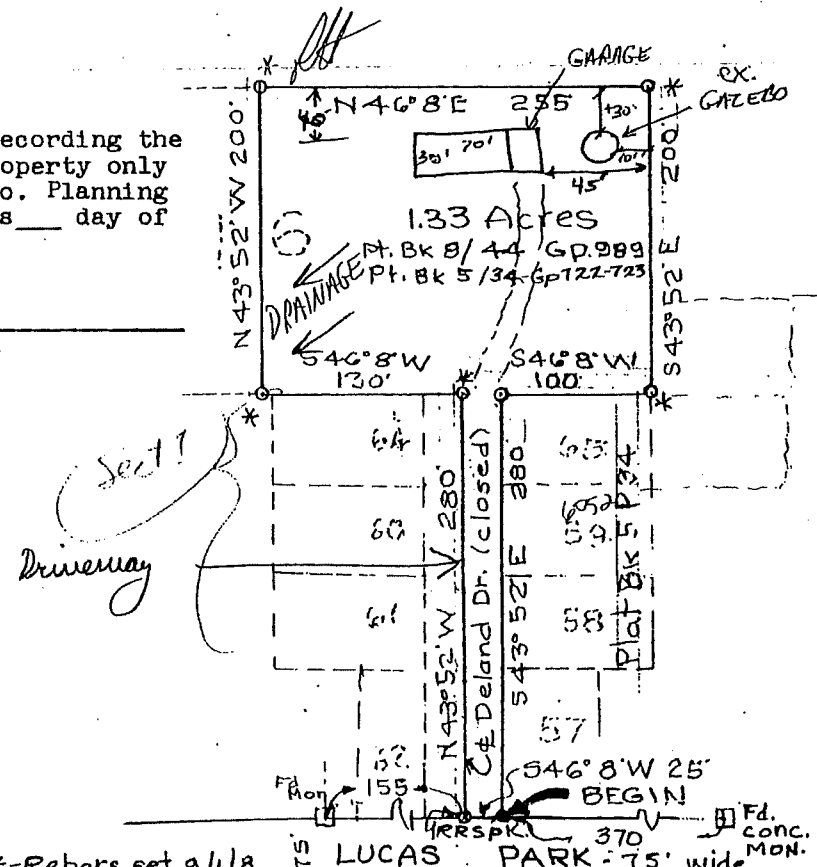
S/ Noel Walton
Ky. Reg. P.E. & L.S.

Date: 9/2/88

Closure: 1 in 6000 plus

Approved for recording the transfer of property only by the Boone Co. Planning Commission this ___ day of ___ 19__.

Chairman



*=Rebars set 9/1/88 TS LUCAS PARK - 75' wide



PLAT-SURVEY OF 1.33 ACRES-N.E. 1/2 OF LOT #16 BOONE MARKLAND REG. ACRES AND N.E. 1/2 OF DELAND DR. (CLOSED) TO BE CONVEYED TO ROBERT L. HALL, JR. ETAL

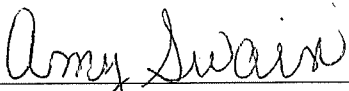
SCALE: 1" = 100'	APPROVED BY:	DRAWN BY
DATE: 9/2/88	F.B. Pg.	REVISED
Pt. of lot #16, D.B. 389 P. 241, Grp. #989 & pt. of Deland Dr. (closed) D.B. ___ pg. ___, Grps. 722 & 723 Boone Co. Clerk's records		
Walton & Walton - Civil Engineers - Surveyors Burlington, KY 41005		DRAWING NUMBER

September 10, 2017

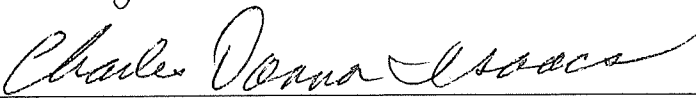
To Whom It May Concern:

We are neighbors of Bob, Cindy, and Brian Hall at 6054 Lucas Park Drive, Petersburg, KY 41080. They have talked with us about their desire to build a metal storage pole barn on their property. I understand they want to put the 40 x 60 x 16 pole barn to the front of their house and that it would be to either the right front or the left front of their home. We know they want to park their boats, jet skis, camper, cars, etc. in the barn. Most neighbors already have barns, garages and storage buildings on our property so we understand the Halls need for such a building. By signing this letter, we just want the Boone County Planning Commission to know we are agreeable to this and that we have no objections to it.

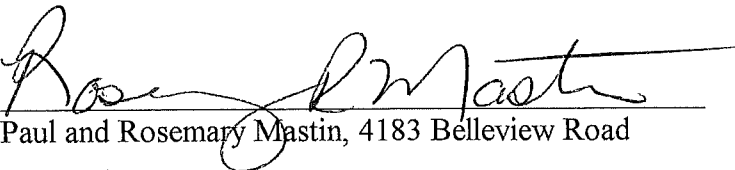
Thank you for your kind consideration,




Amy Swain, 6020 Lucas Park




Charles and Donna Isaacs, 6056 & 6076 Lucas Park



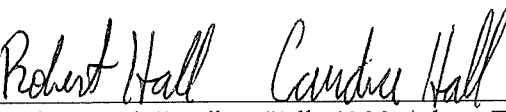
Paul and Rosemary Mastin, 4183 Belleview Road



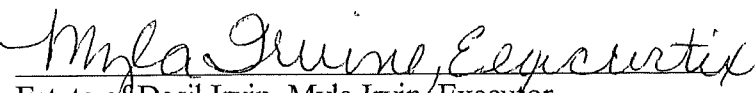
Timola Hall, 4211 Adena Trail



Shane Devlin, 4210 Adena Trail



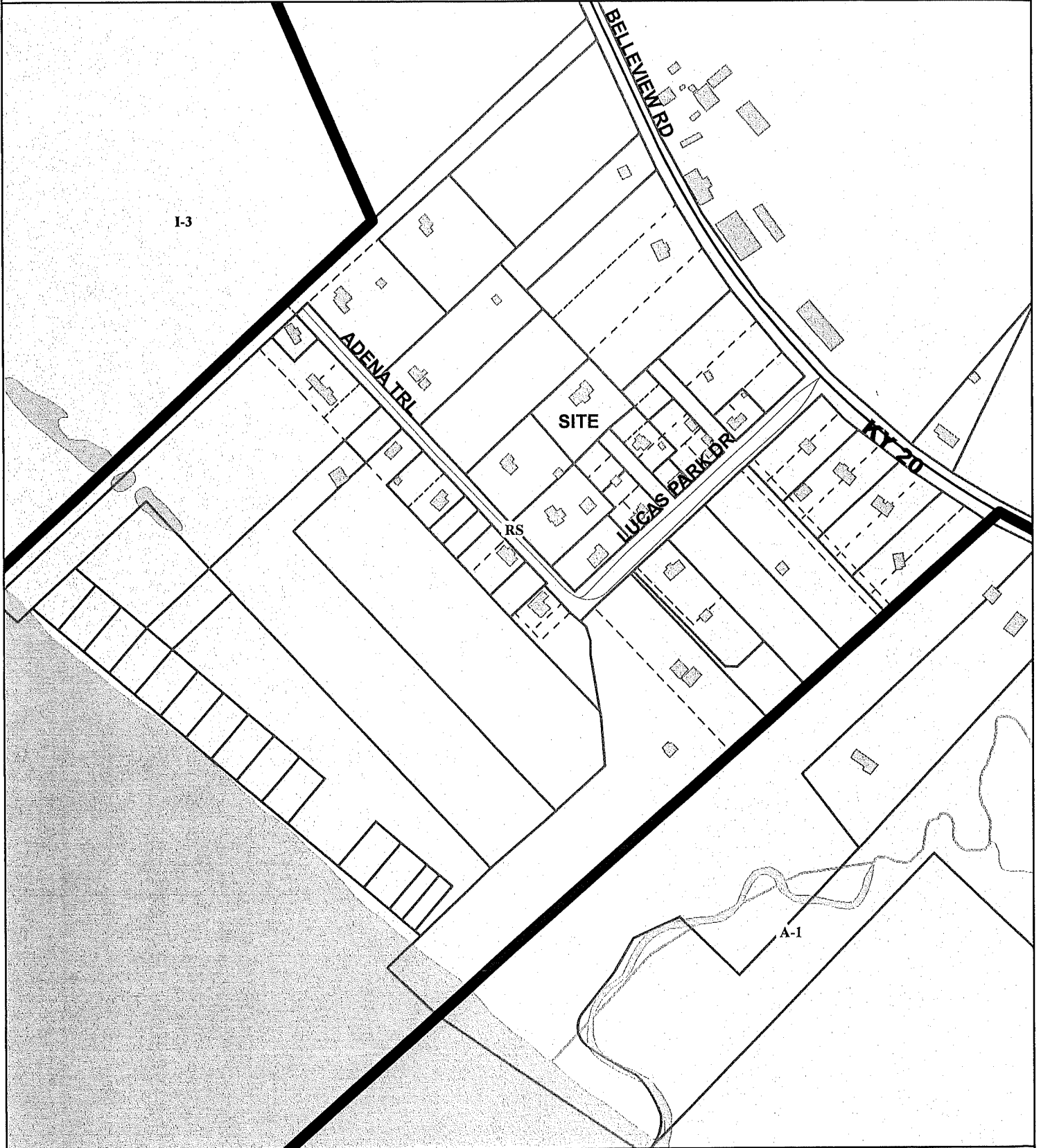
Robert and Candice Hall, 4200 Adena Trail



Estate of Dasil Irvin, Myla Irvin, Executor
6034 Lucas Park and
Lots 13 14 15 Boone Markland Sub (2A-103,104,105)

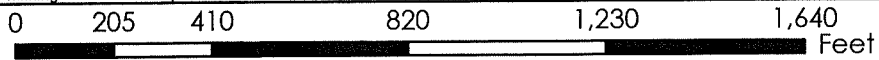
ZONING MAP

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1 inch = 400 feet



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Map Created: 07/01/2013

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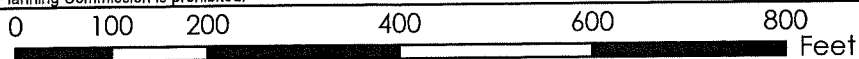
TOPOGRAPHICAL MAP

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



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Boone County GIS
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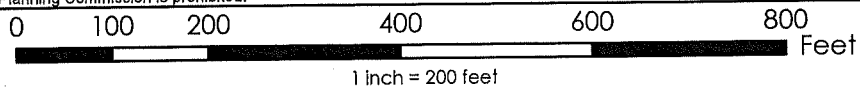
2016 AERIAL MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

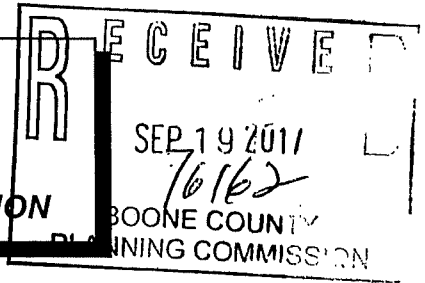


Map Created: 07/01/2013

Boone County GIS
ArcMap 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)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name BRIAN HALL + Cynthia Hall
 Applicant's Address 6054 LUCAS PARK
Petersburg KY 41080
 City State Zip
 Phone Number 859-496-4682 Fax No. _____ E-Mail BRIANLUKEHALL@gmail.com
 - Description of Request: Change in Non-Conforming Use to Allow a second Accessory structure in the front YARD.
 - Name of Development _____
 - Location of Development 1054 LUCAS PARK
Petersburg, Ky 4080
 - Acreage Under Review 1.33
 - Lot Number and Name of Subdivision (if part of a subdivision) _____
 - Owner of Property BRIAN HALL + CYNTHIA HALL
 Address of Property Owner SAME AS ABOVE
 - _____
 City State Zip
 Phone Number 859-496-4682 Fax No. _____ E-Mail SAME
 - Proposed Use(s) on Site POLE BARN
 - Total Square Footage of Existing and/or Proposed Buildings 2400 Storage BARN (40x60)
 - Current Zoning on Property RS
 - Deed Book 1050 Page No. 287 Group No. 2015
 - 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? _____
 - 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: Brian & Hall + Cynthia Hall
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Brian & Hall + Cynthia Hall
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Brian & Cynthia Hall
6054 Lucas Park
Petersburg, KY 41080

2. ADDRESS OF PROPERTY

6054 Lucas Park
Petersburg, KY 41080

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Brian & Cynthia Hall

4. DEED BOOK 1050

PAGE NO. 287

GROUP NO. 2015

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: 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

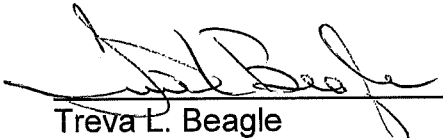
Vinnie Fazzino – Zoning Enforcement Officer
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

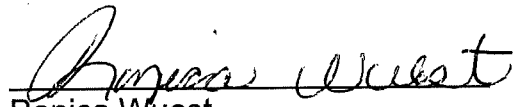
on behalf of the Boone County Planning Commission this 3 day of November, 2017.



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 Change in Non-Conforming Use approved by the Board of Adjustment and in accordance with the current zoning in effect as of October, 11 2017 Certificate of Land Use Restriction (#17-BCBOA-014-A), for Brian & Cynthia Hall, Property Owner(s).

The following conditions will apply:

1. If option "A" is used, it will be done per the submitted option "A" included in the staff report.
2. If options "B" or "C" are used, lots 65, 66, and 67 will have to be consolidated with lot 16 before the proposed structure is constructed.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

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