

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

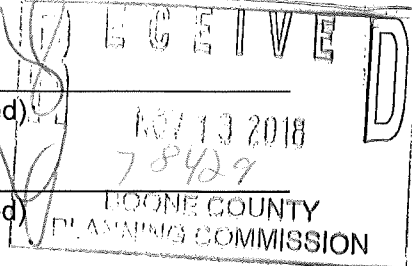
See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Nathan Fredrick
Applicant's Address 33 Walnut Hall Dr.
Independence KY 41051
City State Zip
Phone Number 513-581-7128 Fax No. \_\_\_\_\_ E-Mail n.fredrick@yahoo.com
4. Description of Request: Requesting setback of 20 feet instead of 60 feet due to topography of land and layout of house.
5. Name of Development \_\_\_\_\_
6. Location of Development Parcel ID 055-00-00-013.00
7. Acreage Under Review 3.3 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property Nathan Fredrick
Address of Property Owner 33 Walnut Hall Dr.
Independence KY 41051
City State Zip
Phone Number 513-581-7128 Fax No. \_\_\_\_\_ E-Mail n.fredrick@yahoo.com
10. Proposed Use(s) on Site Home building site
11. Total Square Footage of Existing and/or Proposed Buildings 2060
12. Current Zoning on Property A2
13. Deed Book 1112 Page No. 480 Group No. 2075
14. Is the site subject to a zone change? NO
15. 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: [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 1/13/18 Fee Received \$632.00 Receipt # 78429
2. Is application complete?  Yes  No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 12/12/18
5. Board Action:  
 Approved  
 **Approved with Conditions** (See #6)  
 Denial (See #7)
6. Conditions of Approval: 1. That access to the site be provided from the existing curb cut/driveway located within an existing ingress/egress easement, on property immediately to the southeast of the site.
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

#2

APPLICANT: Nathan Fredrick

LOCATION: Verona Mudlick Road, Verona, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: December 12, 2018

### PROPOSAL

The applicant is requesting a Variance to reduce the front yard setback from sixty (60) feet to twenty (20) feet, in order to construct a house on an approximate 3.11 acre area located along the northeast side of Verona Mudlick Road, approximately 800 feet southeast of Carr Road, Verona, Kentucky.

### APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
1. Section 3111, of the Boone County Zoning Regulations requires a front yard setback within the A-2 district to be a minimum of sixty (60) feet.
  2. The submitted plan indicates the construction of a house twenty (20) feet from the front property line.
  3. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from 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.
  4. 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.
    - a. Findings listed in Section 251:
      - (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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
        - (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 of 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.
- B. Section 620 of the Boone County Zoning Regulations states that "The purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment."

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The 2010 Boone County Comprehensive Plan's 2035 Future Land Use Plan designates the site in question for "Rural Lands" and "Developmentally Sensitive".
  - 1. This designation is defined as wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision.
  - 2. Developmentally sensitive areas have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land. This shall act as a guideline for any project proposed in Developmentally Sensitive areas; specific sites designated as Developmentally Sensitive require more detailed inventories of soil, slope, wildlife habitat, vegetation, and other possible physical constraints as part of the development plans. These inventories shall be used, along with engineering studies, to determine whether an area designated Developmentally Sensitive can be developed in a fashion which is sensitive to the existing site characteristics. The Developmentally Sensitive areas of Boone County have been identified by utilizing United States Department of Agriculture Natural Resources Conservation Service (formerly Soil Conservation Service) data and mapping, through the Boone County Geographic Information System (GIS). The degree of accuracy of these areas is intended to locate general areas of concern. Actual site assessments will determine the exact boundaries of Developmentally Sensitive areas in Boone County at the time of development.

- B. The following 2017 Boone County Comprehensive Plan's Goals and Objectives apply to this application:

Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).

Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).

An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).

Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).

Developmentally Sensitive and scenic areas shall be identified, mapped, and stabilized. Developments proposed in any of these areas shall be carefully designed and reviewed to minimize environmental impacts (Environment Goal A, Objective 3).

Developmentally Sensitive hillsides in Boone County must be given special consideration. Any proposed development on hillsides designated as such shall be reviewed and monitored to maintain the environmental and structural integrity of the hillsides (Environment Goal A, Objective 4).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

#### SITE CHARACTERISTICS

- A. The approximate 3.11 acre property is located along the northeast side of Verona Mudlick Road, approximately 800 feet southeast of Carr Road. The site is currently vacant. The front of the site, along Verona Mudlick Road, is clear of trees. The remainder of the site is wooded. At the roadway, the site is at an elevation of 810 feet above mean sea level. The site slopes down to an elevation of 710 feet above mean sea level. The front portion of the site has a slope of 11%. The remainder of the site has a slope of 29%. There is an overhead utility line that bisects the site, running parallel to Verona Mudlick Road. The center of the utility line is located approximately 155 feet from the front property line.
- B. The two closest structures to the site in question are set back thirty-five (35) feet and eight (8) feet from the front property lines.

SURROUNDING LAND USES AND ZONING

North: Vacant/undeveloped land, agricultural uses, single-family residential dwellings (A-2)

South: Vacant/undeveloped land and agricultural uses (A-2)

East: Vacant/undeveloped land, agricultural uses, single-family residential dwellings (A-2)

West: Vacant/undeveloped land, agricultural uses, single-family residential dwellings (A-2)

PROPOSED DEVELOPMENT

- A. Construction of a detached single-family residential dwelling.
- B. Provision for a septic tank and leach field.
- C. Access from a new curb cut onto Verona Mudlick Road, within an existing ingress/egress easement on the adjoining property to the southeast.

STAFF COMMENTS

- A. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.
- B. Should the Board take action to approve the application, the following condition should be included in the action:
  - 1. That access to the site be provided from the existing curb cut/driveway located within an existing ingress/egress easement, on property immediately to the southeast of the site.

CONCLUSION

- A. KRS. 100.241 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.
- B. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,

Michael D. Schwartz  
Planner

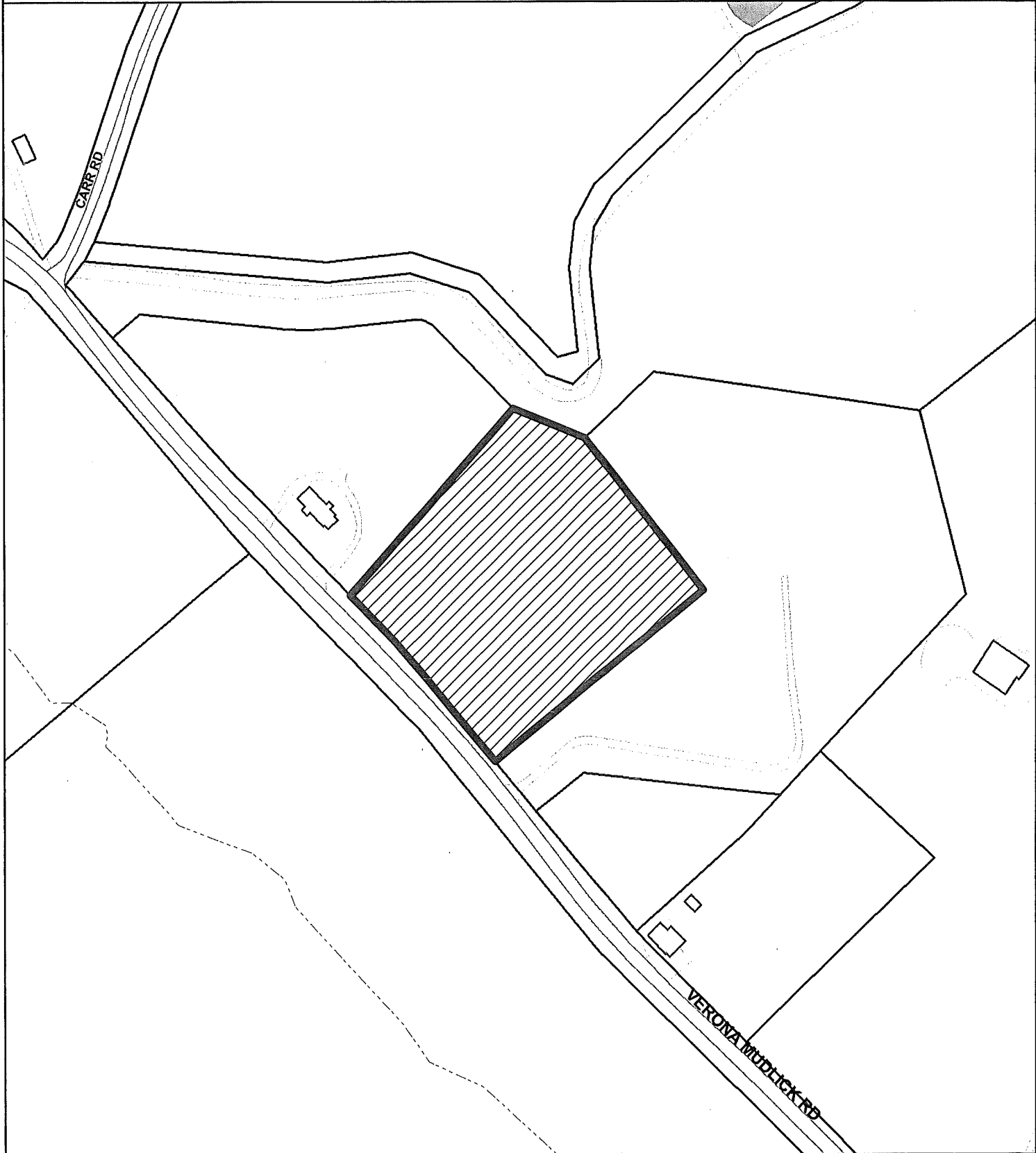
MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*Slope Map
- \*2035 Future Land Use Map
- \*Application
- \*Development Plan

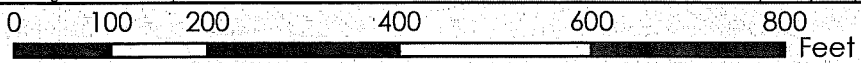
# Vicinity Map

www.boonecountygis.com



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1 inch = 200 feet



Map Created: 01/01/2018

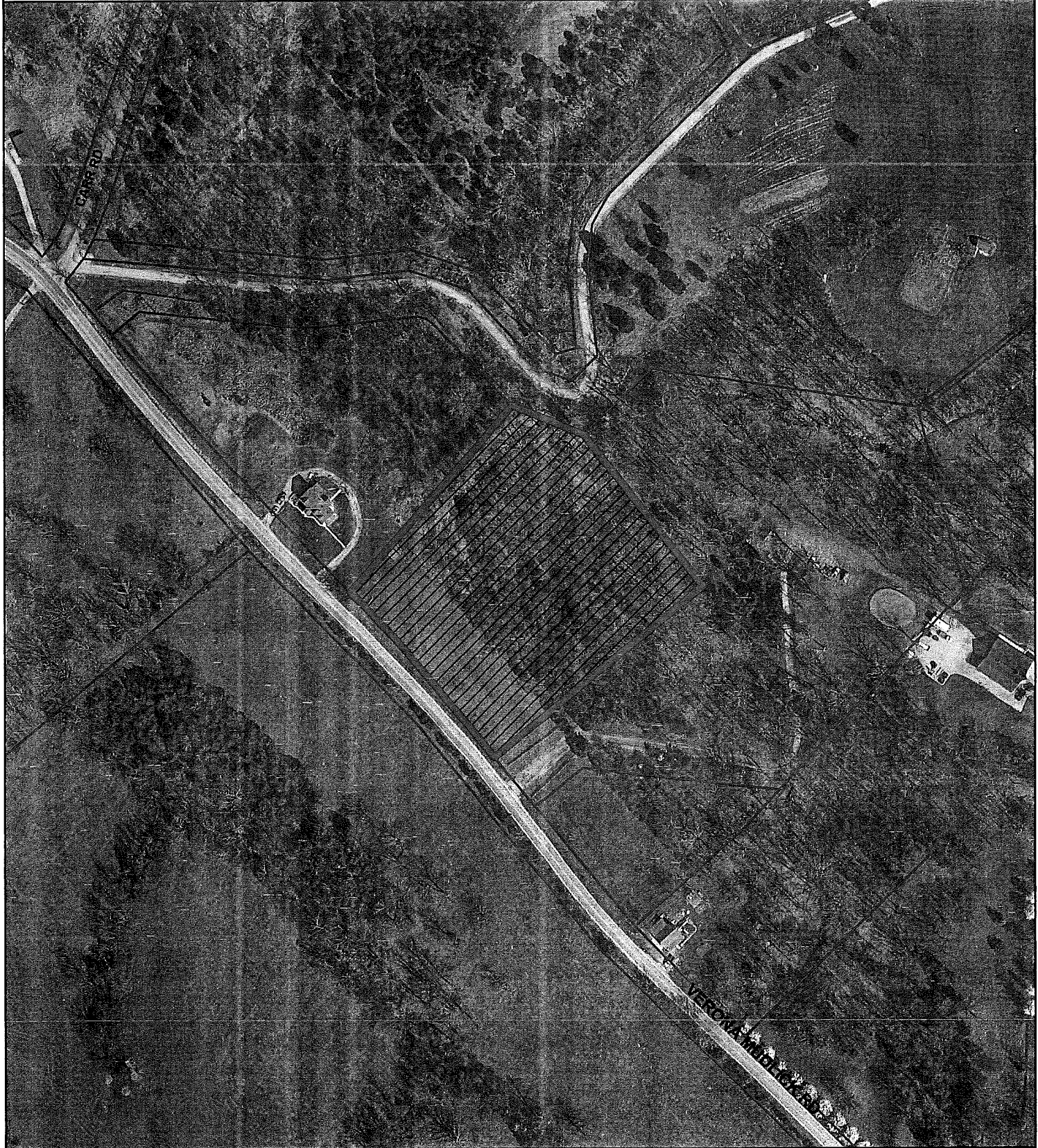
**Boone County GIS - Putting Northern Kentucky on the Map**



Boone County GIS  
ArcMap Document (\*.mxd)

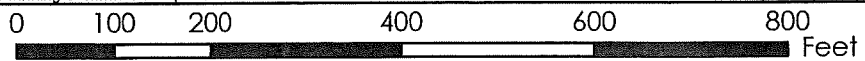
# Aerial Map

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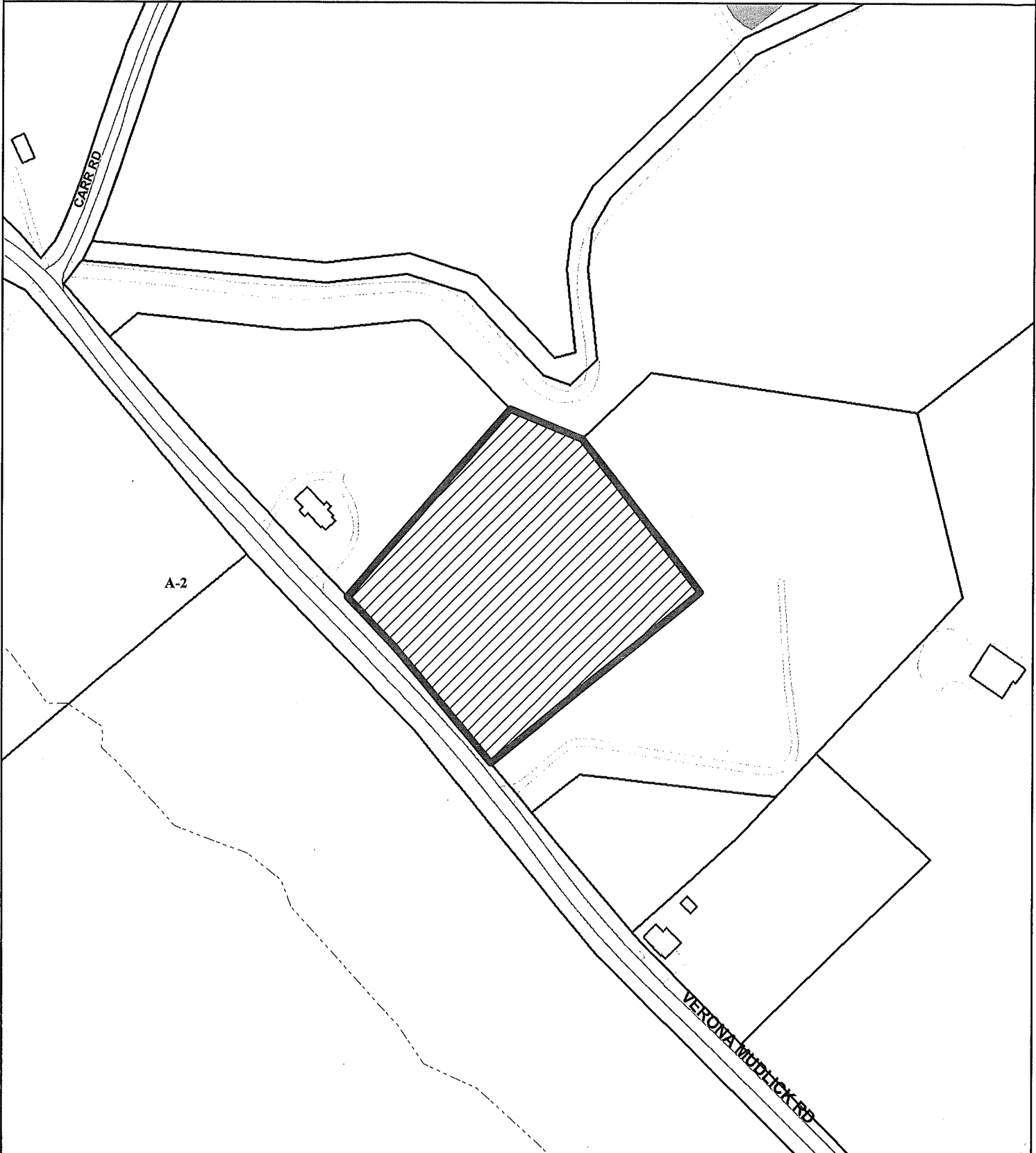
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2018

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# Zoning Map

www.boonecountygis.com



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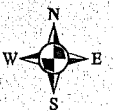
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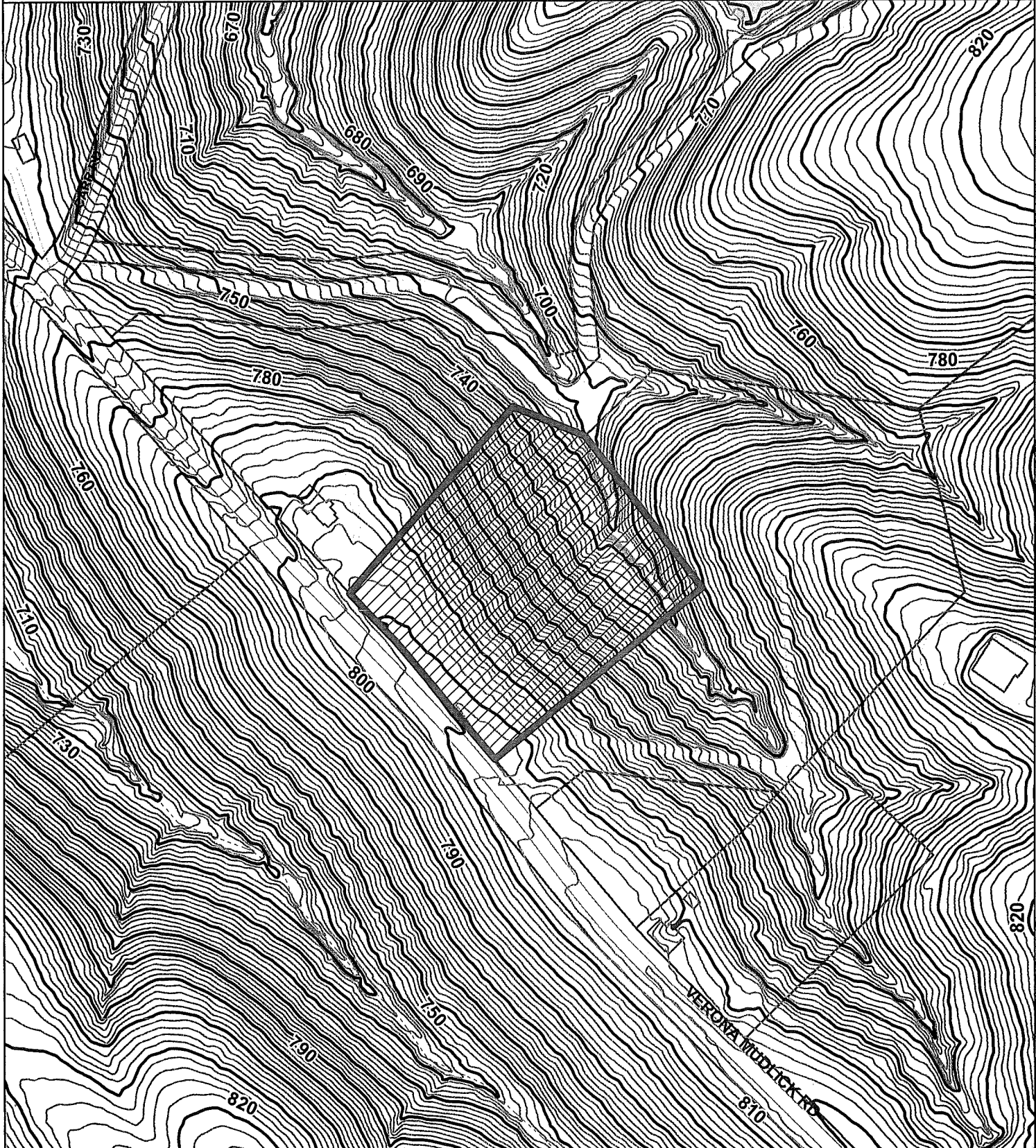


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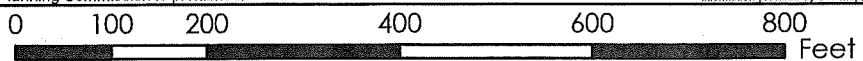
# Topographic Map

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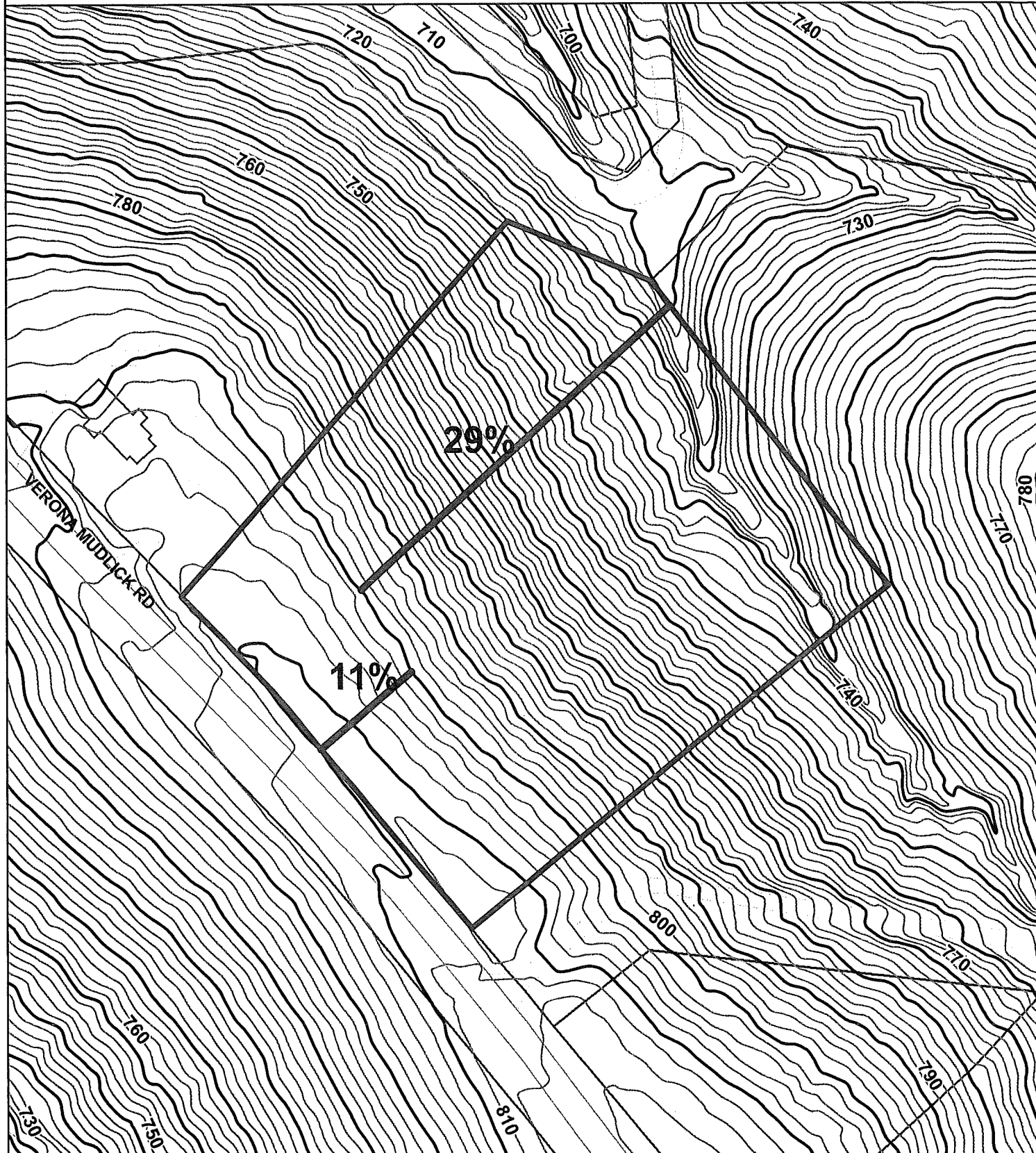
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ArcMap Document: \*.mxd

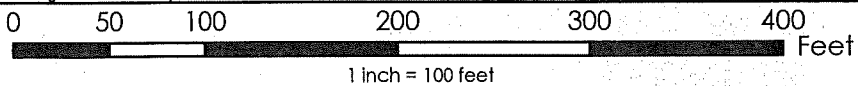
# Slope Map

www.boonecountygis.com



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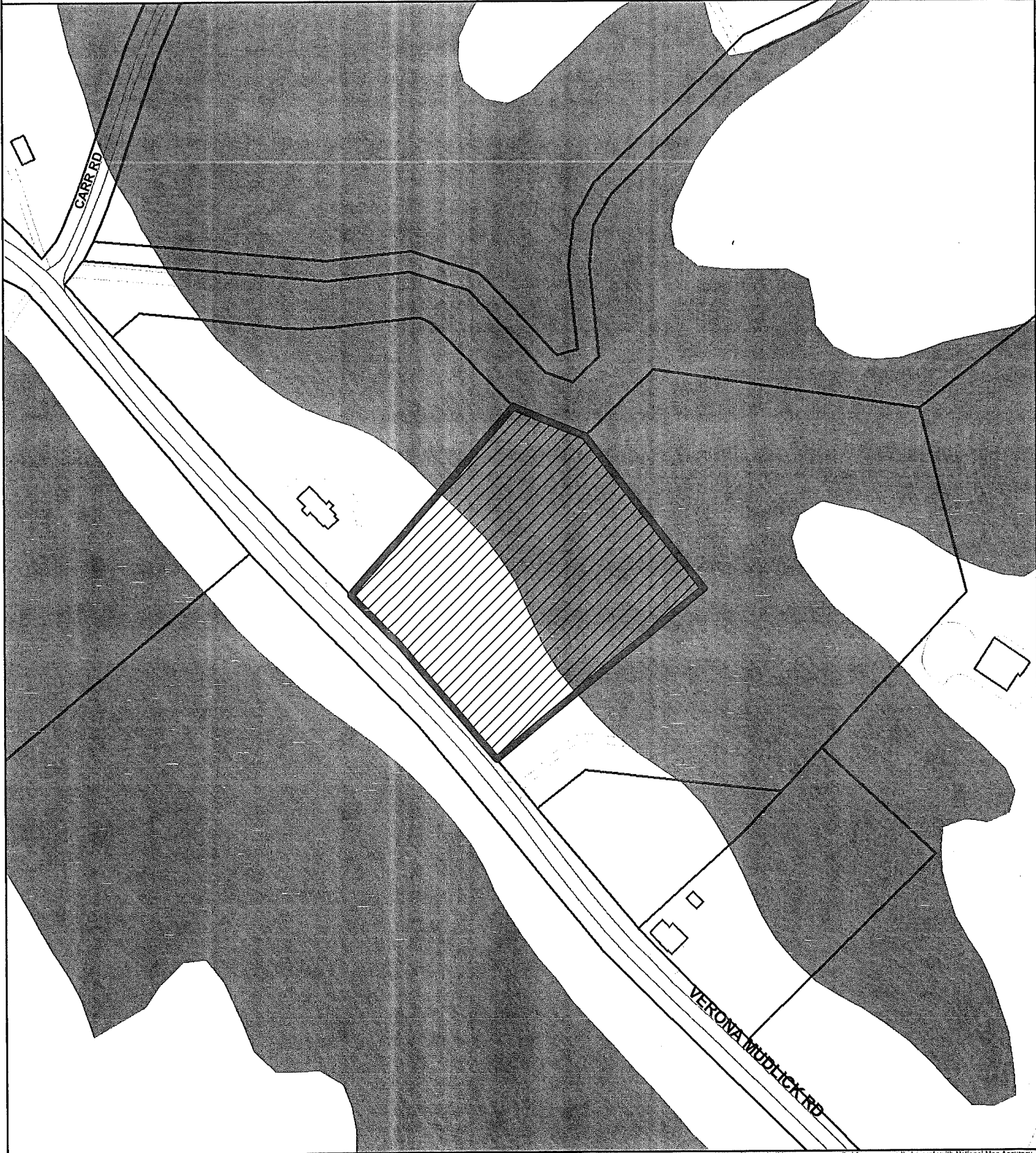
**Boone County GIS - Putting Northern Kentucky on the Map**



Map File: 17.mxd  
ArcMap Document: \*.mxd

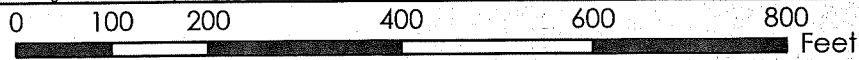
# 2035 Future Land Use Map

www.boonecountygis.com



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1 Inch = 200 feet



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



Map Created: 01/01/2018

Map File: 1.mxd by: Steve Hild 1/1/18  
ArcMap Document: \*.mxd

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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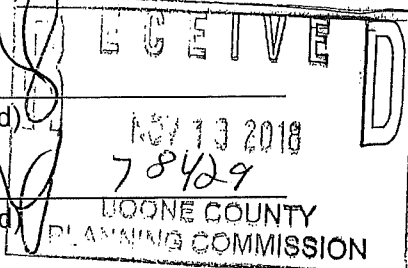
See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
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12. Current Zoning on Property A2
13. Deed Book 1112 Page No. 480 Group No. 2075
14. Is the site subject to a zone change? NO
15. If yes, give date of approval \_\_\_\_\_
16. Have you submitted a Site Plan with this request? Yes
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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]
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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 11-3-18 Fee Received \$632.00 Receipt # 78429
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 **Approved**  
 **Approved with Conditions** (See #6)  
 **Denial** (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission  
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**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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An application consists of all fees paid in full, submitted drawings and a completed application form.



Tom Leach  
Land Surveying LLC  
P.O. Box 125  
195 Jenni Lane  
Dry Ridge, KY 41035  
859-393-2947  
Fax: 859-823-0795

# HOME LOCATION PLAN

## Fredrick Home Plan

KENTUCKY ROUTE 14,  
VERONA KY 41015  
BOONE COUNTY,  
KENTUCKY

SCALE: 1" = 100'

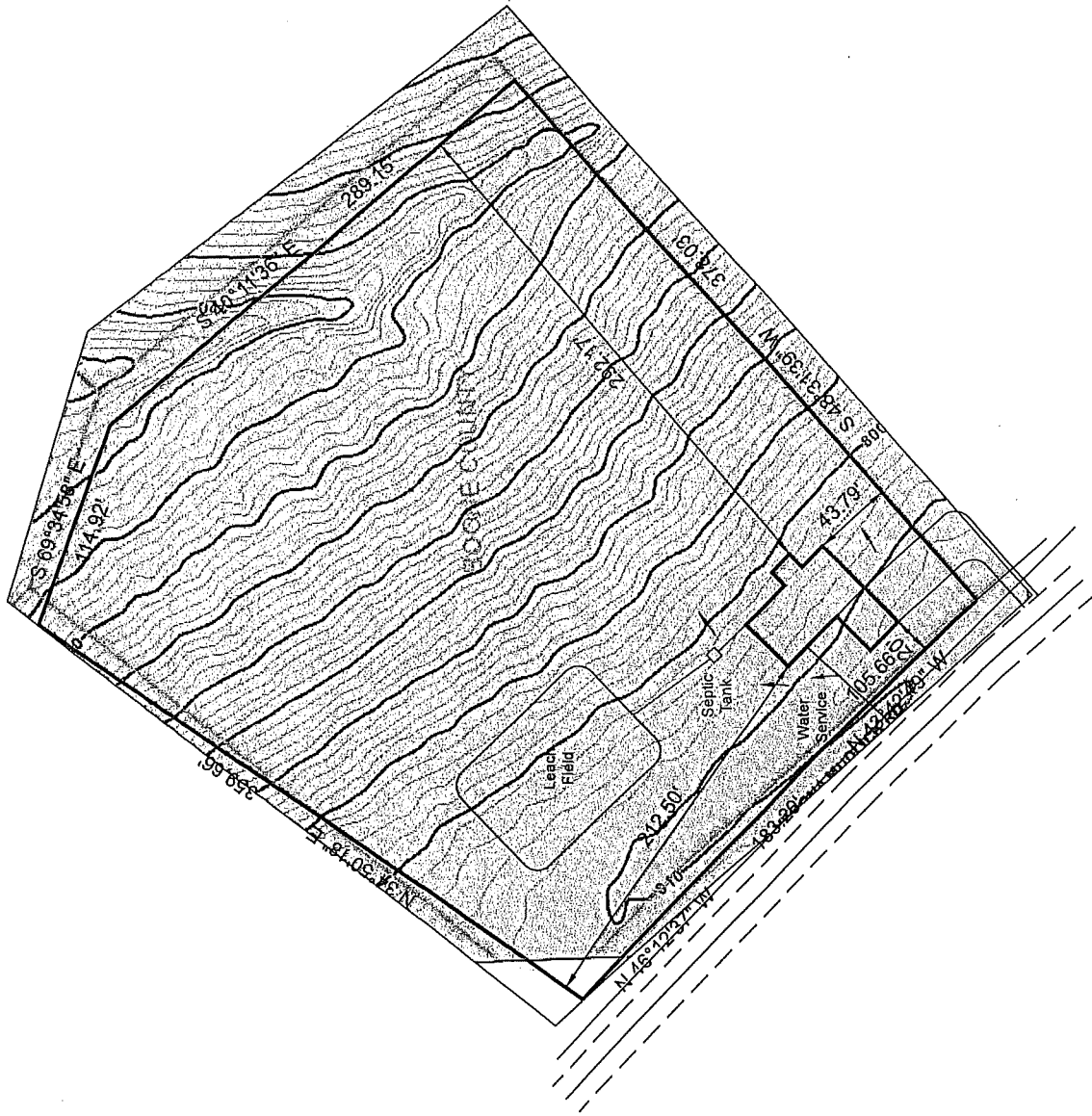


Date: 11/09/2018

Dwn By: W.T. Leach

Surveyed: 11/06/2018

Filename: Fredrick Home



RECORD BEARING  
GRID NORTH  
KENTUCKY NORTH ZONE

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Nathan Fredrick  
33 Walnut Hill Drive  
Independence, KY 41051

2. ADDRESS OF PROPERTY  
Northeast side of Verona Mudlick Rd.  
Verona, KY 41092

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Nathan Fredrick

4. DEED BOOK 1112 PAGE NO. 480 GROUP NO. 2075

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment: From  Conditional Use Permit  
From  To


Development Plan  Conditional Zoning

Subdivision Plat (Not Recorded)  Other:

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

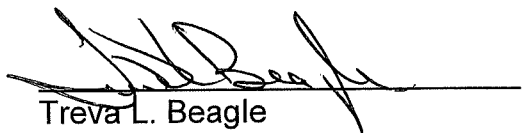
Michael D. Schwartz - Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

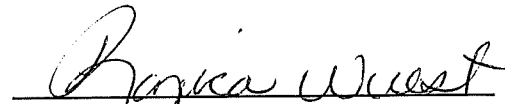
on behalf of the Boone County Planning Commission this 13 day of December, 2018.



Treva L. Beagle  
Notary ID 588897  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2021

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 December 12, 2018 Certificate of Land Use Restriction (#18-BCBOA-015-A), for Nathan Fredrick, Property Owner(s).

The following conditions will apply:

1. That access to the site be provided from the existing curb cut/driveway located within an existing ingress/egress easement, on property immediately to the southeast of the site.

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

DEED BOOK 1112

PAGE NO. 480

GROUP NO. 2075