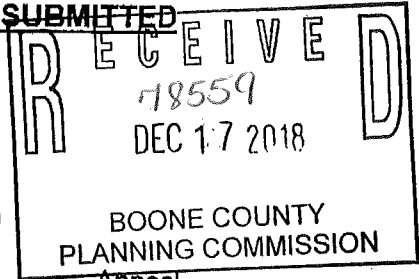


APPLICATION FORM

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) XX Boone Florence Walton Union

- 2. (Check One) Conditional Use Permit Variance Appeal XX Change in Non-Conforming Use

3. Applicant's Name: Norma Jean Farmer Estate c/o Joseph Farmer and Karen & Robert Jones

Applicant's Address 2911 and 2919/2929 Watts Road Burlington Kentucky 41005 City State Zip

Phone Number c/o Brian R. Redden, Esq. (513) 357-4351 Fax No. (513) 977-4361 E-Mail bredden@bhmklaw.com

Description of Request: To allow 2919 & 2929 Watts Road to become more non-conforming in terms of lot acreage and 2911 Watts Road to become conforming in terms of lot acreage.

- 4. Name of Development
5. Location of Development 2911/2919/2929 Watts Road, Burlington
6. Acreage Under Review 0.6527
7. Lot Number and Name of Subdivision (if part of a subdivision) 036.00-00-009.00, 036.00-009.01, & 036.00-00-010.00
8. Owner of Property Norma Jean Farmer Estate c/o Mike McKinney, Esq.
Address of Property Owner 2919 & 2929 Watts Road
10. Burlington Kentucky 41005 City State Zip
Phone Number (859)586-9955 Fax No. E-Mail mikemckinney@fuse.net

Proposed Use(s) on Site Combination of parcel where septic system is located to grantee parcel

- 11. Total Square Footage of Existing and/or Proposed Buildings N/A
12. Current Zoning on Property Residential
13. Deed Book 904 Page No. 263 Group No. 2003
14. Is the site subject to a zone change? No If yes, give date of approval
15. Have you submitted a Site Plan with this request? Yes
16. Have you submitted a list of adjoining property owners with this request? Yes
17. 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: x Joseph A. Farmer Esq (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: x Joseph A. Farmer Esq (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 12/17/18 Fee Received \$632⁰⁰ Receipt # 78559
2. Is application complete? Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 1/9/19
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

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

#1

APPLICANT: The Norma Jean Farmer Estate and Karen and Robert Jones

LOCATION: 2911, 2919 and 2929 Watts Road, Boone County, Kentucky

ZONING: Rural Suburban Estate (RSE)

DATE: January 9, 2019

PROPOSAL

The applicant is requesting a Change in Nonconforming Use to decrease the lot area of two (2) nonconforming parcels and increase the lot area of another nonconforming parcel.

APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant changes in nonconforming uses as specified in this order.
- B. Section 273 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications to permit a change from one nonconforming use to another. In reviewing such applications, the Board:
 1. Shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use.
 2. Shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use.
- C. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.
- D. Kentucky Revised Statute (KRS) 100.253 (2), reads as follows: "The board of adjustment shall not allow the enlargement or extension of a nonconforming 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."
- E. Section 910 of the Boone County Zoning Regulations states that "Rural Suburban Estates should be located where there may be a limited feasibility or desire or need for providing

or requiring all infrastructure normal to support a suburban or urban neighborhood. The purpose of the Rural Suburban Estates district is to provide a residential environment whose dwelling types and densities are typical of a semi-suburban character. Such districts will be located on lands adjacent to established urban areas, but which are not suitable for larger scale or more densely developed suburban or urban residential use.”

- F. Section 911 of the Boone County Zoning Regulations identifies seven (7)) principally permitted uses within the RSE district, including detached single-family dwelling units.
- G. Section 3111 of the Boone County Zoning Regulations requires lots within the RSE Zone to have a minimum lot area of 40,000 square feet.

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 Density Residential” uses and “Commercial” uses. Rural Density Residential is defined as low density residential uses of up to one dwelling unit per acre. Commercial is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

An Existing Land Use Map, accurate to September of 2009, and a Future Land Use Map have been produced with the use of the Boone County Geographic Information System (GIS) program. The maps are intended to be used in tandem with the accompanying text below; the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies. The text and map should be used as a tool to aid in managing growth in Boone County. It is important to consult the Land Use Element text to learn of timing or phasing issues that may be present in a particular corridor. The Future Land Use Map may indicate future land uses for a particular area, however, the area may not be ready for development until certain infrastructure is in place or another area develops first. It is critical to note that the Future Land Use Map is a 25 year projection, and is not intended to commit all areas to development immediately. In some areas, phasing may be used to make sure development is supported by infrastructure, and in others development may be delayed until planned infrastructure is provided. (Land Use Maps, page 164)

- B. Watts Road is identified as a local dead-end street, providing for two-way traffic within a 12 - 14 foot pavement width. Petersburg Road is identified as an arterial street, providing for two-way traffic within two driving lanes (one lane in each direction). There are no sidewalks along Watts Road or Petersburg Road.
- C. The following 2017 Boone County Comprehensive Plan's Goals and Objectives apply to this application:

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).

SITE CHARACTERISTICS

- A. The approximate 2.07 acre area is located along the west side of Watts Road and also has

frontage along the east side of Petersburg Road.

- B. The site in question is comprised of three separate lots of record.
 - 1. 2911 Watts Road, having a lot area of 27,743 square feet.
 - 2. 2919 Watts Road, having a lot area of 30,984 square feet.
 - 3. 2929 Watts Road, having a lot area of 31,516 square feet.
- C. Each of the three lots is currently occupied by a detached single-family residential dwelling and accessory structures.

SURROUNDING LAND USES AND ZONING

North: Single-family residential dwellings (RSE)

South: Single family residential dwelling and Bullittsville Christian Church (RSE)

East: Single-family residential dwellings and vacant land (RSE)

West: Single-family residential dwellings (RSE)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to subdivide the properties located at 2919 and 2929 Watts Road and transfer ownership to the property located at 2911 Watts Road.
- B. The following table provides a summary of the existing conditions and the proposed changes:

	Required Lot Size (sq. ft.)	Existing Lot Size (sq. ft.)	Difference (sq. ft.)	Proposed Lot Size (sq. ft.)
2911 Watts Road	40,000	27,743	12,257	56,165
2919 Watts Road	40,000	30,984	9,016	17,749
2929 Watts Road	40,000	31,516	8,484	16,329

STAFF COMMENTS

- A. The net result of the proposal will be a reduction in the number of nonconforming lots from the present three (3) nonconforming lots to two (2) nonconforming lots.

CONCLUSION

KRS 100.253 and Section 273 of the Boone County Zoning Regulations gives the Boone Board

of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'MDS', written over a horizontal line.

Michael D. Schwartz
Planner

MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Zoning Map
- *Topographic Map
- *2035 Future Land Use Map
- *Application
- *Plot Plan

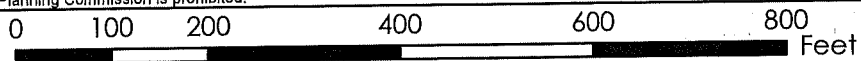
Vicinity Map

www.boonecountygis.com



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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 = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

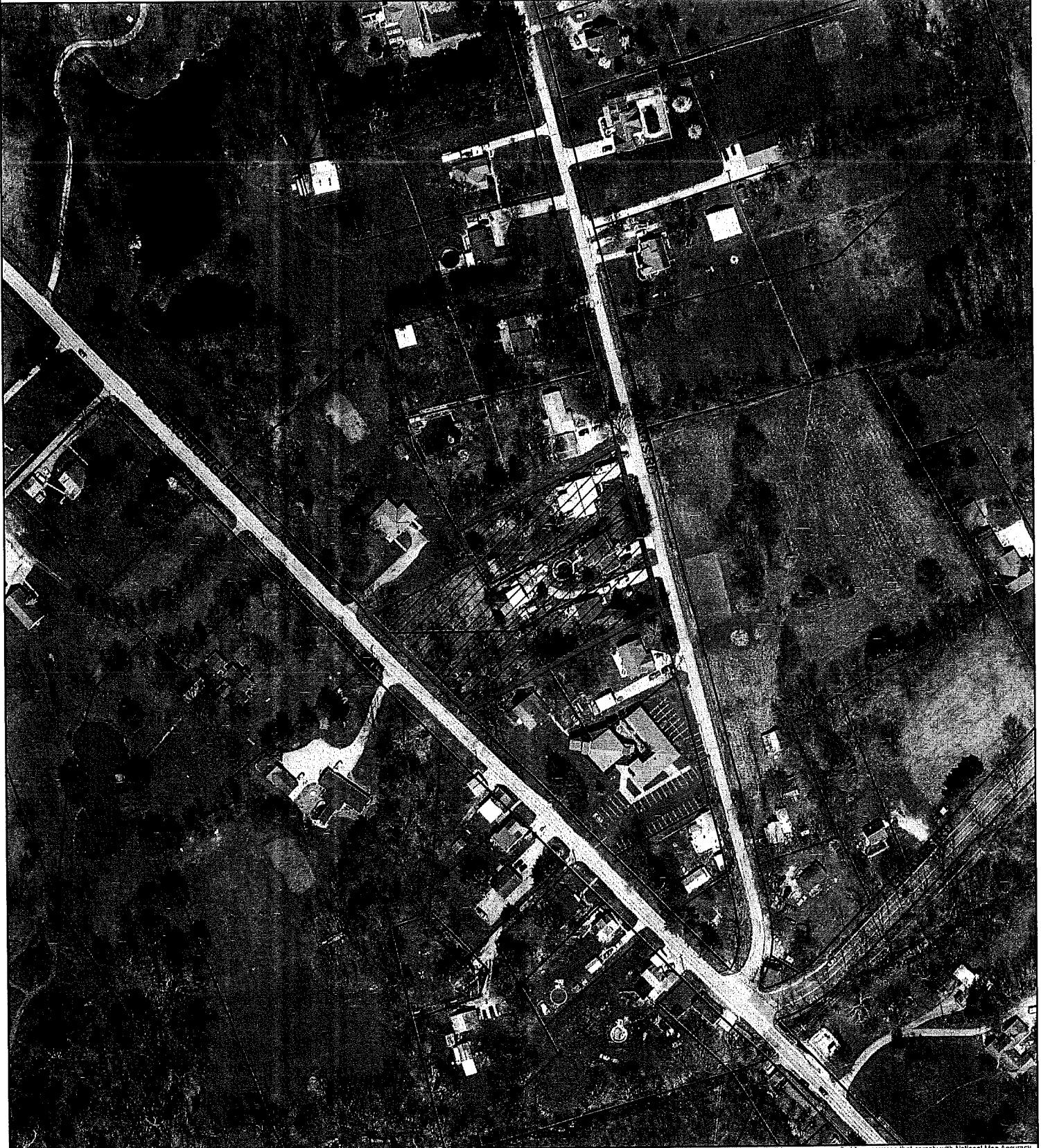


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Boone County GIS
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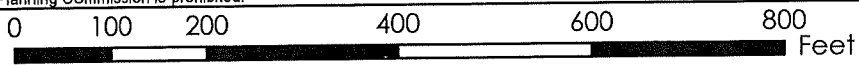
Aerial Map

www.boonecountygis.com



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With Points Contained to North NAD 1983
ArcMap Document: *.mxd

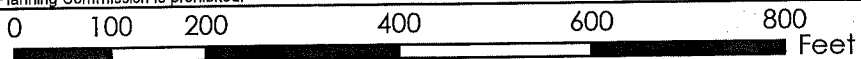
Topographical Map

www.boonecountygis.com



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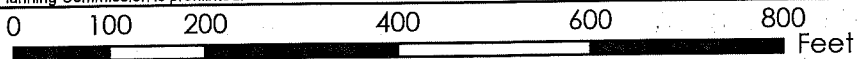
Zoning Map

www.boonecountygis.com



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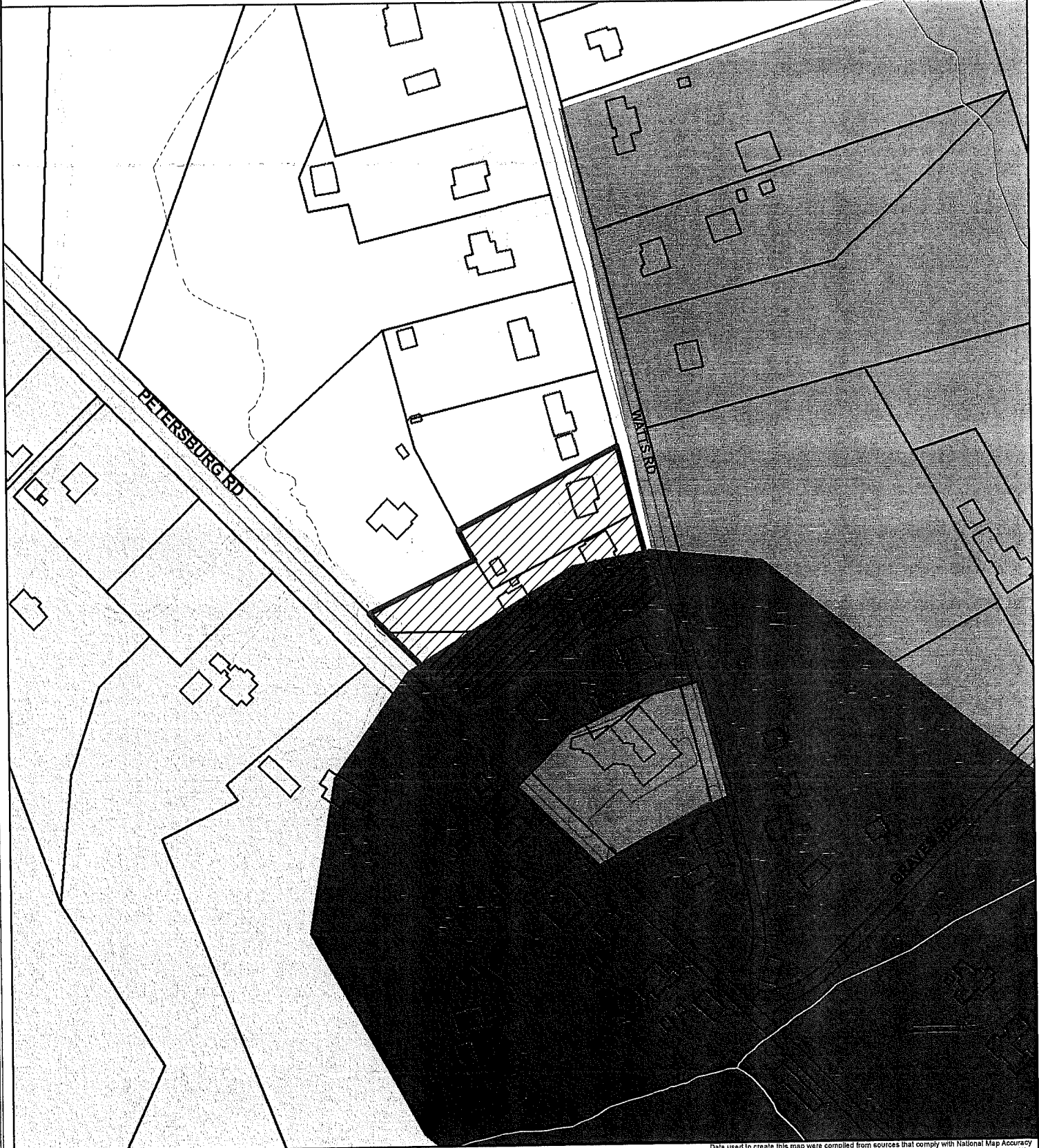
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ArcMap Document: *.mxd

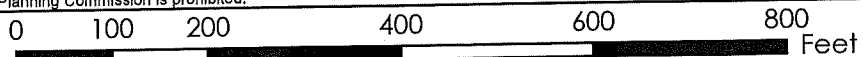
2035 Future Land Use Map

www.boonecountygis.com



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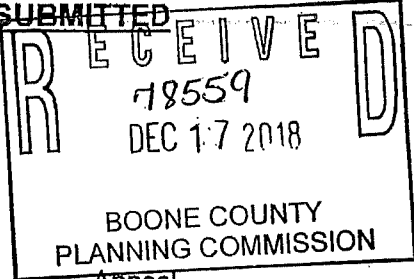
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APPLICATION FORM

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(Check One) 1. XX Boone Florence Walton Union

(Check One) 2. Conditional Use Permit Variance Appeal

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Phone Number c/o Brian R. Redden, Esq. (513) 357-4351 Fax No. (513) 977-4361 E-Mail bredden@bhmklaw.com

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4. Name of Development

5. Location of Development 2911/2919/2929 Watts Road, Burlington

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8. Owner of Property Norma Jean Farmer Estate c/o Mike McKinney, Esq.

Address of Property Owner 2919 & 2929 Watts Road

10. Burlington Kentucky 41005 City State Zip

Phone Number (859)586-9955 Fax No. E-Mail mikemckinney@fuse.net

Proposed Use(s) on Site Combination of parcel where septic system is located to grantee parcel

11. Total Square Footage of Existing and/or Proposed Buildings N/A

12. Current Zoning on Property Residential

13. Deed Book 904 Page No. 263 Group No. 2003

14. Is the site subject to a zone change? No If yes, give date of approval

15. Have you submitted a Site Plan with this request? Yes

16. Have you submitted a list of adjoining property owners with this request? Yes

17. 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: X Joseph A. Farmer Expr (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: X Joseph A. Farmer Expr (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 12/17/18 Fee Received \$632⁰⁰ Receipt # 78559
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
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.

BOUNDARY MONUMENT NOTES:

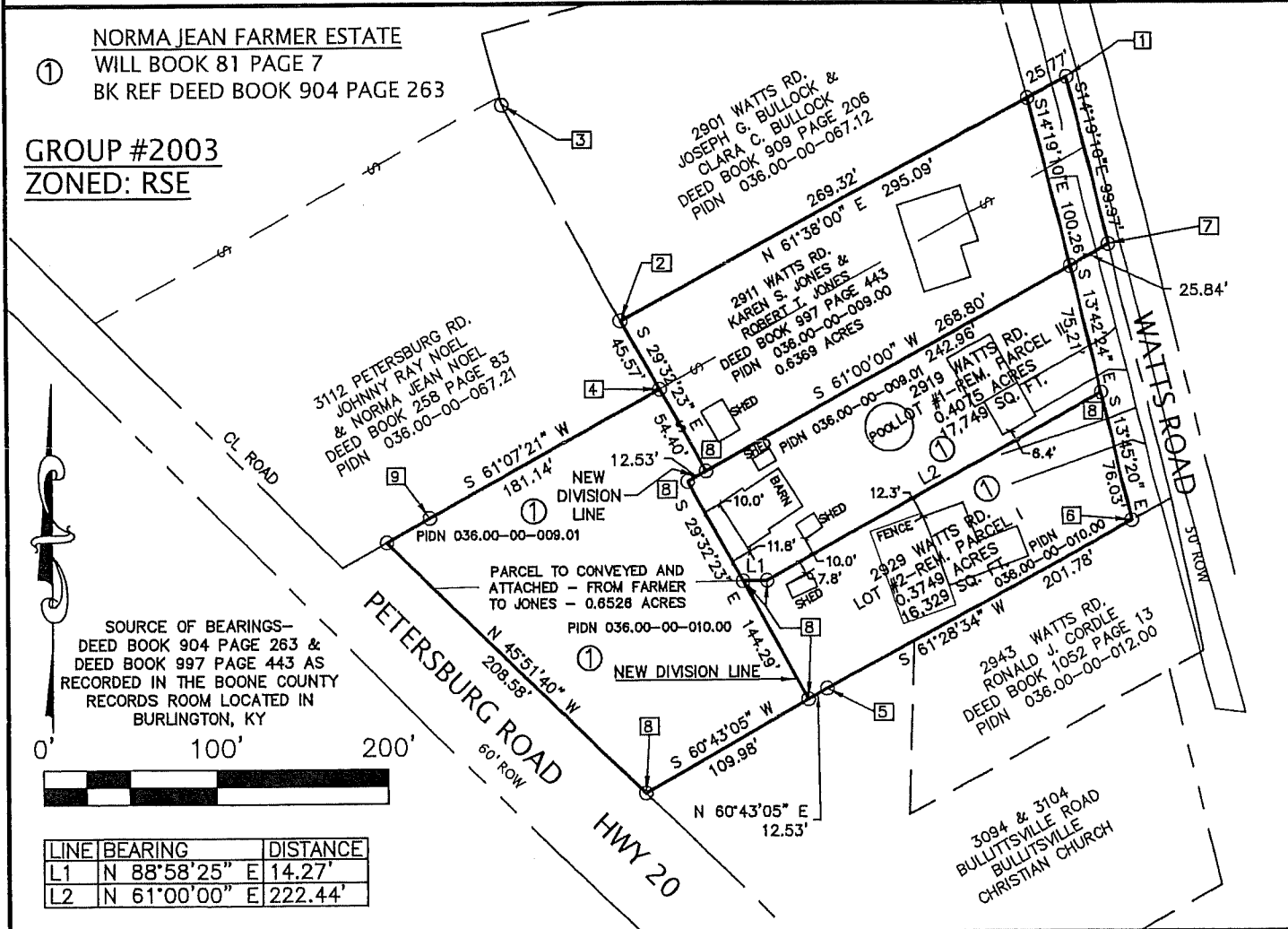
- 1 - RECOVERED MAG SPIKE
 - 2 - RECOVERED #5 IRON PIN WITH AN ORANGE CAP, PLS 3722
 - 3 - RECOVERED #4 IRON PIN WITH A YELLOW CAP, PLS PLS 2146
 - 4 - RECOVERED #5 IRON PIN WITH NO CAP
 - 5 - RECOVERED #4 IRON PIN WITH YELLOW CAP, PLS 2030
 - 6 - RECOVERED #4 IRON PIN WITH NO CAP
 - 7 - RECOVERED PK NAIL
 - 8 - SET #5 IRON PIN WITH A PINK CAP, PLS 3494
 - 9 - SET #5 IRON PIN WITH A BLUE WITNESS CAP, PLS 3494
- SET ON LINE AT 29.00' AND 0.7' FROM SE SIDE OF POWER POLE

ACREAGE FOR ROBERT AND KAREN JONES

ORIGINAL LOT = 0.6369 ACRES
 ATTACHMENT PARCEL = 0.6526 ACRES
 TOTAL ACREAGE = 1.2895 ACRES

**NORMA JEAN FARMER EST.
 REMAINING ACREAGE**

PIDN - 036.00-00-009.01 (LOT 1) = 0.4075 ACRES
 PIDN - 036.00-00-010.00 (LOT 2) = 0.3749 ACRES
 TOTAL REMAINING ACREAGE OF = 0.7824 ACRES



REMAINING LOTS & ATTACHMENT PARCEL		
from the NORMA JEAN FARMER ESTATE @ 2919 & 2929 WATTS RD to BOB & KAREN JONES @ 2911 WATTS ROAD		
DRAWN	DATE	BEING A 0.6527 ACRE PORTION OF 2 PARCELS
REL	7/13/18	
APPROVED	DATE	PIDNs: 036.00-00-009.01 & 036.00-00-010.00
REL	7/13/18	
SCALE	SHEET	PROJECT NO.
1" = 100'	2 OF 2	N/A

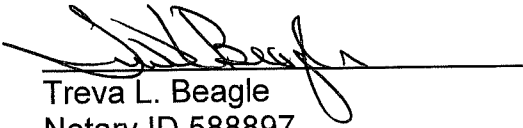
Copy

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

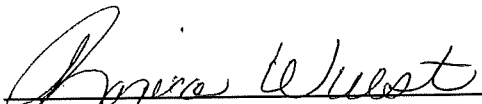
on behalf of the Boone County Planning Commission this 10 day of January, 2018.



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.)