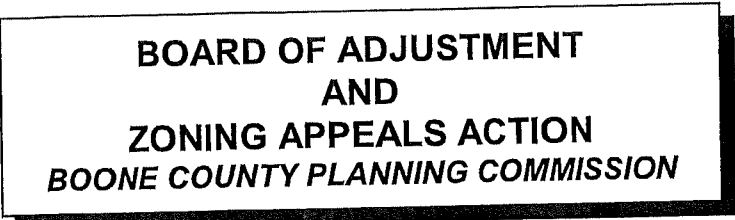
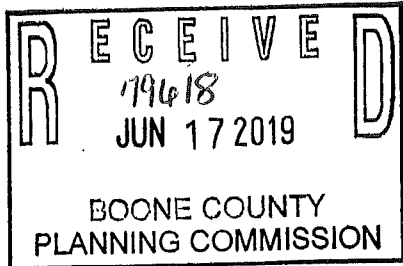


\$ 632.00

Deadline: June 18

APPLICATION FORM



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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
3. Applicant's Name Boyd Nickels
Applicant's Address 14459 South Fork Church Rd Verona KY 41092
4. Description of Request: Pole barn 30x50 Reduction in setback (front)
5. Name of Development N/A
6. Location of Development N/A
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Boyd Nickels
Address of Property Owner 14459 S Fork Church Rd Verona KY 41092
10. Phone Number 859-446-9607 Fax No. _____ E-Mail nickelsplumbing@gmail.com
11. Proposed Use(s) on Site _____
12. Total Square Footage of Existing and/or Proposed Buildings 4500
13. Current Zoning on Property _____
14. Deed Book 943 Page No. 317 Group No. 2079
15. Is the site subject to a zone change? _____
16. Have you submitted a Site Plan with this request? _____
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 6/17/19 Fee Received \$632⁰⁰ Receipt # 79618
2. Is application complete? Yes _____ No _____
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 7/10/19
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

#2

APPLICANT: Brad Rickels

LOCATION: 14459 South Fork Church Road, Boone County, Kentucky

ZONING: Agriculture (A-1)

DATE: July 10, 2019

PROPOSAL

The applicant is requesting a Variance to allow a pole barn to encroach into the eighty (80) foot front yard setback.

SITE HISTORY

1992 –

1994 A house was constructed on the site (based on Boone County GIS aerials).

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 3110 of the Boone County Zoning Regulations requires a front yard setback of eighty (80) feet within the A-1 Zone.
 2. 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.
 3. 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 610 of the Boone County Zoning Regulations states that “The purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Rural Land”, “Rural Density Residential”, and “Developmentally Sensitive” uses. Rural Land is defined as wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision. Rural Density Residential is defined as low density residential uses of up to one dwelling unit per acre. Developmentally Sensitive are areas that have an existing slope of twenty percent or greater or have a unique soil or flooding characteristic which limit the ability of an area to support development.
- B. The following Our Boone County Plan 2040 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).
 - An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).
 - 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).
 - Inventories shall be maintained of natural and cultural features including historic,

architectural, archaeological sites, cemeteries, documents, and traditions (Natural and Cultural Resources Goal C, Objective 1).

Priorities shall be established for the conservation, restoration, preservation, and protection of natural and cultural features using land use regulatory tools and incentives as well as consideration for inclusion in potential park land development to serve as educational and recreational resources for the community (Natural and Cultural Resources Goal C, Objective 3).

Archaeology and cemetery preservation efforts shall follow permitting requirements and best practices where practical (Natural and Cultural Resources Goal C, Objective 7).

- D. South Fork Church Road is identified as a local street, providing for two way traffic within two driving lanes. There are no sidewalks along either side of the roadway.

SITE CHARACTERISTICS

- A. The approximate 3 acre property is located along the south side of South Fork Church Road, approximately 200 feet east of Jenna Drive.
- B. The site is currently occupied by a detached single-family residential dwelling.
- C. An approximate 0.3 acre pond lies in the center of the site.
- D. A utility easement cuts diagonally across the site.
- E. An historic cemetery, dating to the late 1880's, is located between the existing house and South Fork Church Road.
- F. Approximately 80% of the site is located within the 100-Year Floodplain of Big South Fork Creek.
- G. There is a significant topographical change in elevation on the site. The area where the proposed building is to be located is approximately 10 feet higher than South Fork Church Road and is approximately 16 feet higher than Big South Fork Creek.

SURROUNDING LAND USES AND ZONING

North: Vacant/undeveloped/agricultural land (A-1)

South: Vacant/undeveloped; and (A-1)

East: Single family residential (A-1)

West: Big South Fork Creek and single family residential (within Gallatin County)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to construct a 1,500 square foot (30' x 50'), 17 foot high, pole barn, twelve (12) feet from the existing house. The proposed building will be approximately fifty (50) feet from the front property line.

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

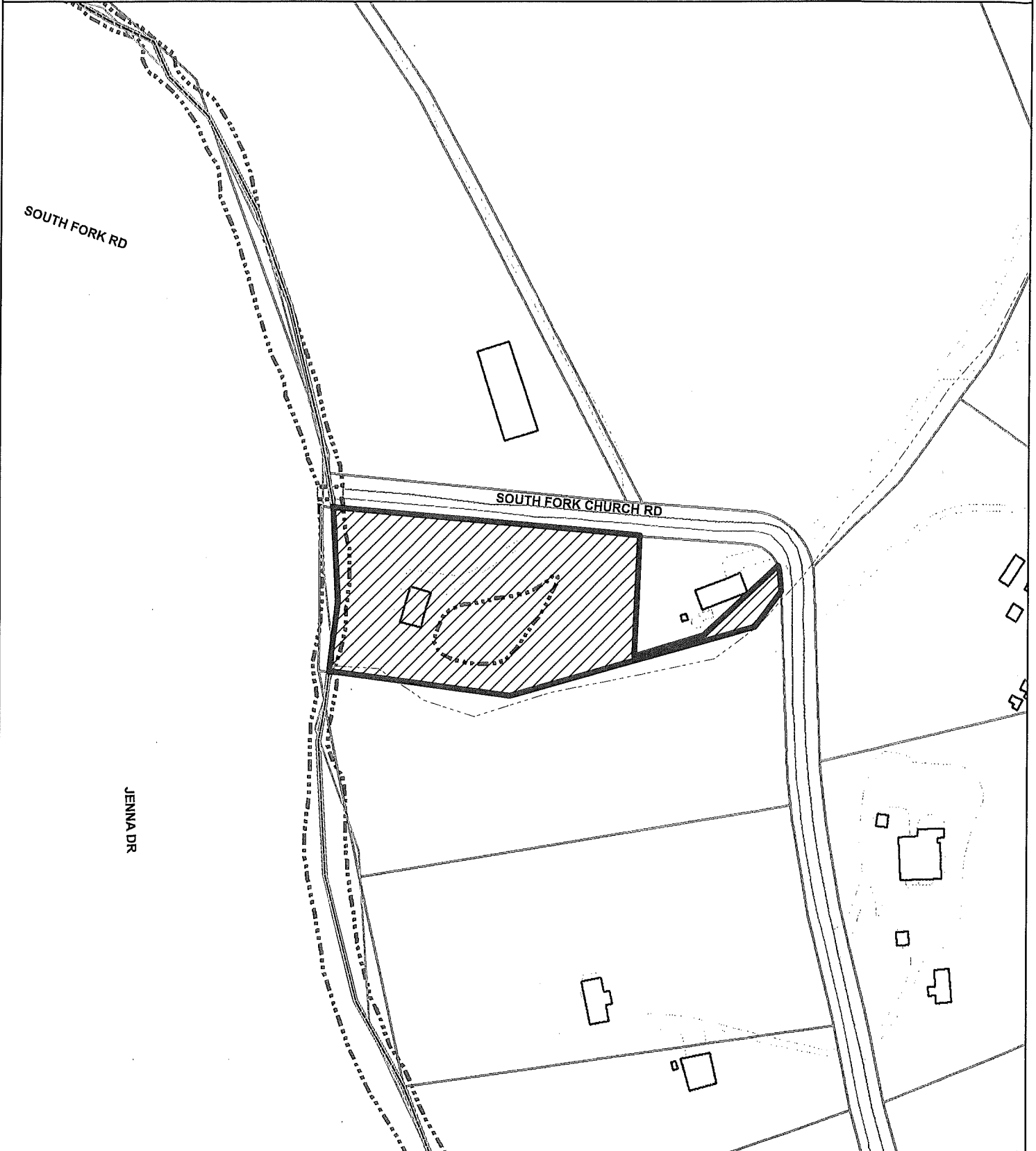
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical and Floodplain Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Development Plan

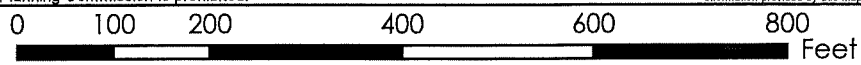
Vicinity Map

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1 inch = 200 feet



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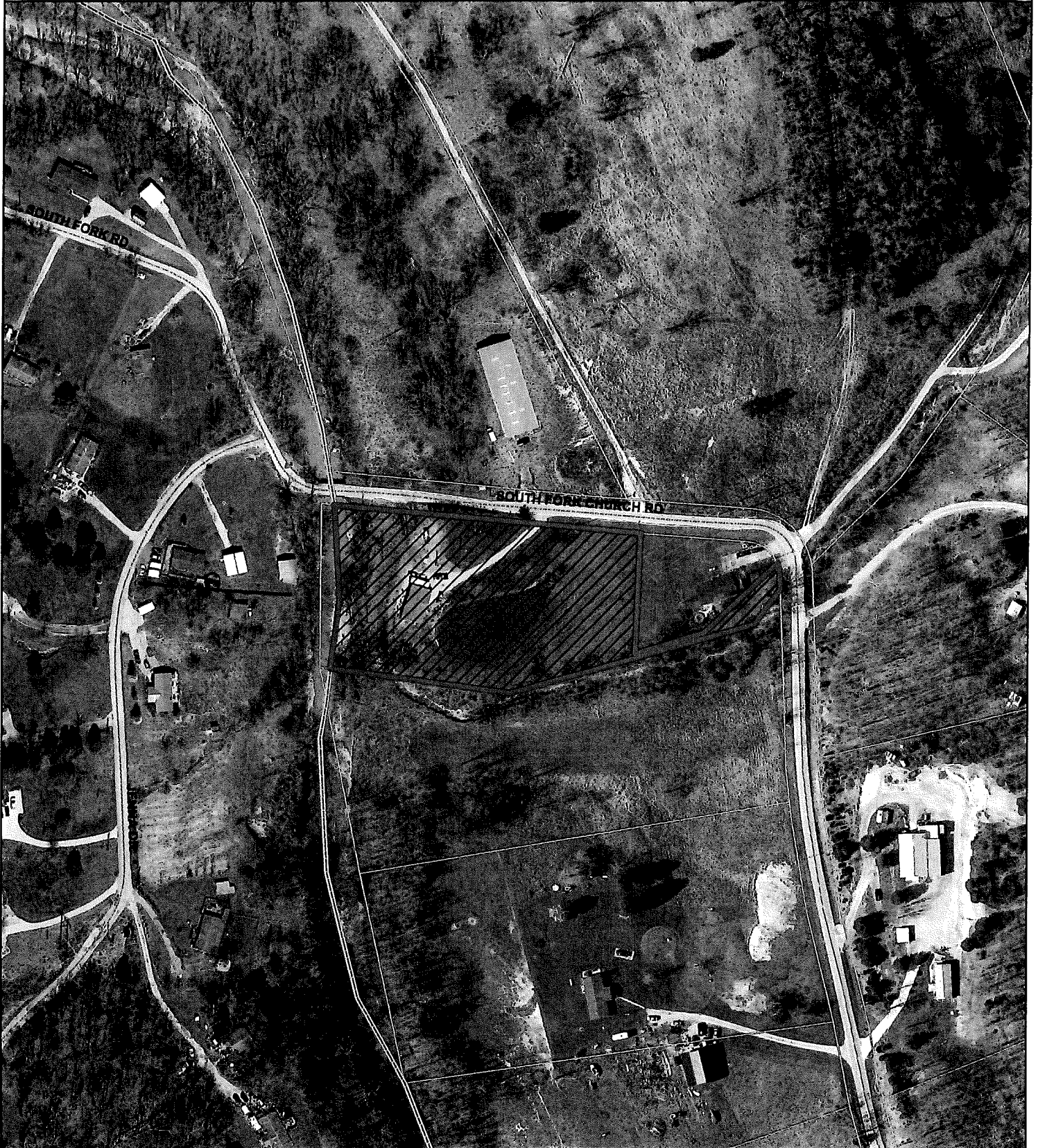
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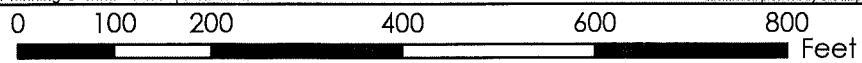
Aerial Map

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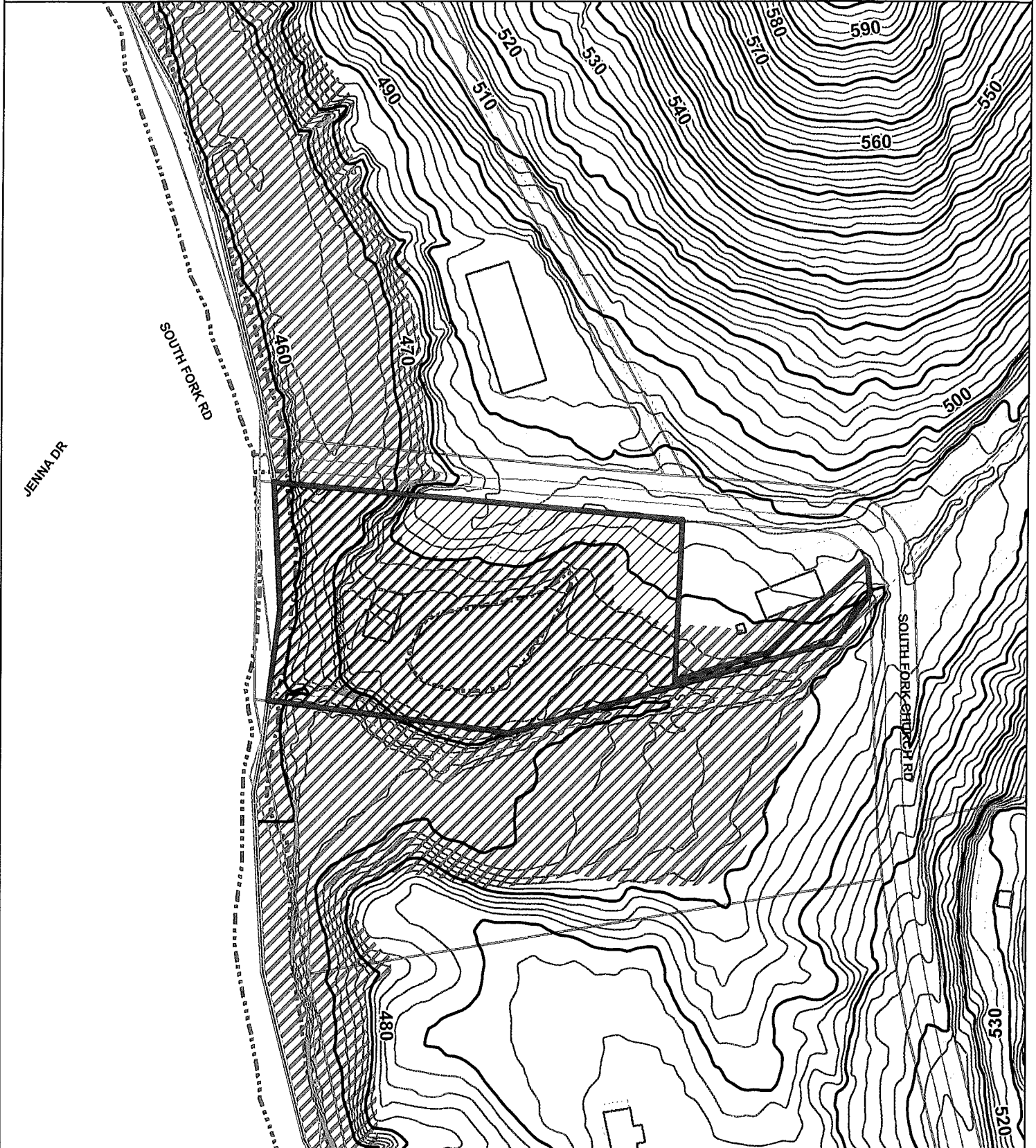
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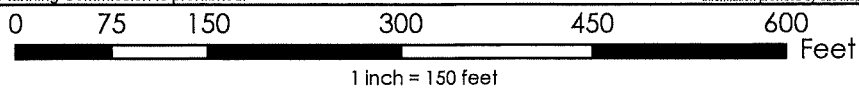
Topographical and Floodplain Map

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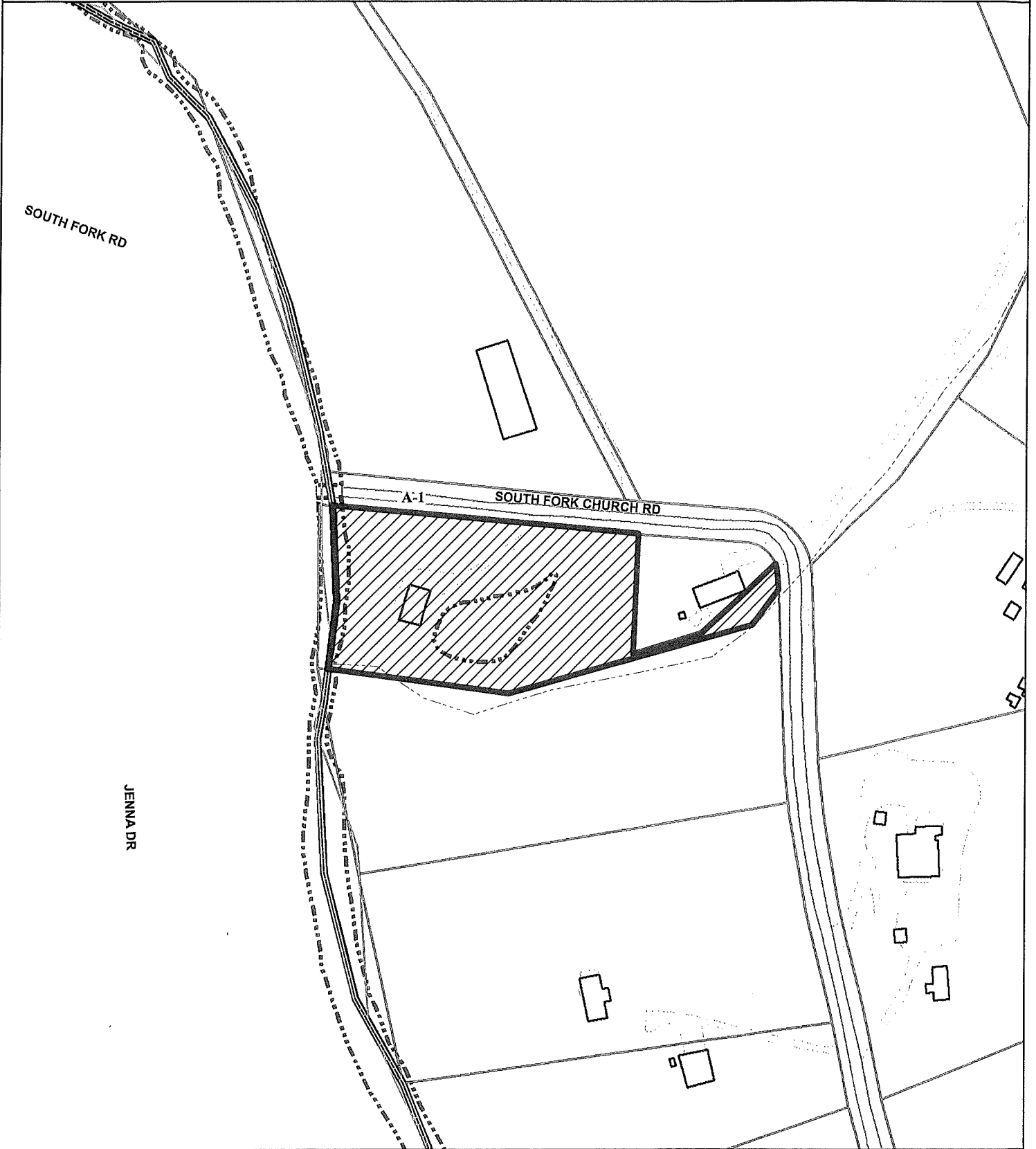


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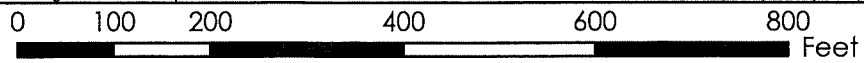
Zoning Map

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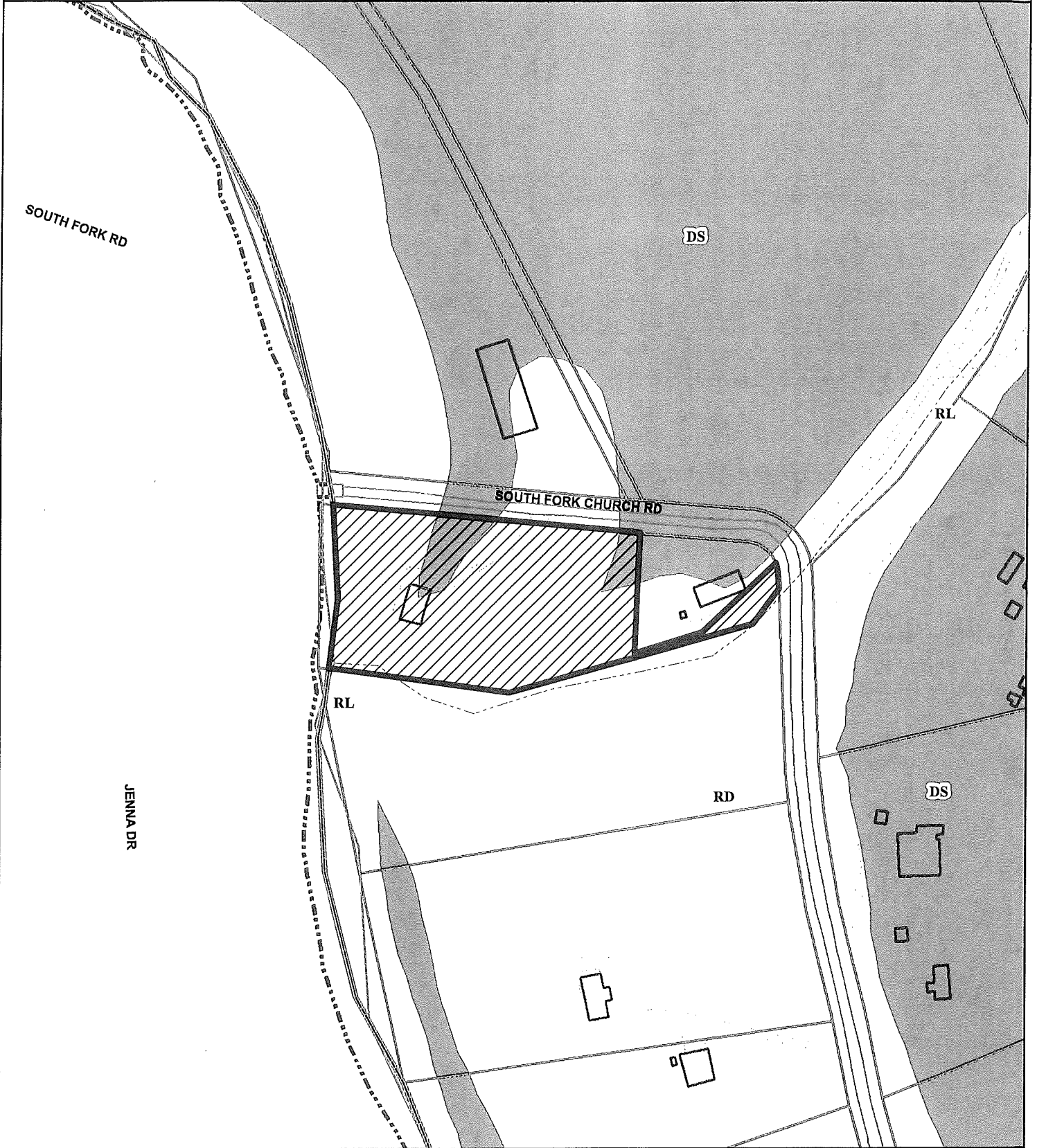


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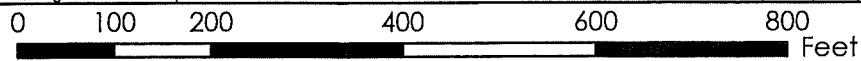
2040 Future Land Use Map

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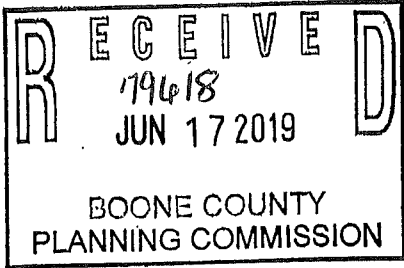
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Boone County GIS
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\$ 632.00

Deadline: June 18

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 _____ Florence _____ Walton _____ Union _____
2. (Check One)
 _____ Conditional Use Permit _____ Variance _____ Appeal _____
 _____ Change in Non-Conforming Use _____
3. Applicant's Name Bryd Rickels
 Applicant's Address 14459 South Fork Church Rd
Verona VA 41092
 City State Zip
4. Phone Number 859-445-9602 Fax No. _____ E-Mail RickelsPlumbing@gmail.com
 Description of Request: POLE 69'7" 30x30 Reduction in setback (Front)
5. Name of Development N/A
6. Location of Development N/A
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
9. Owner of Property Bryd Rickels
 Address of Property Owner 14459 S Fork Church Rd
Verona VA 41092
 City State Zip
10. Phone Number 859-446-9607 Fax No. _____ E-Mail RickelsPlumbing@gmail.com
11. Proposed Use(s) on Site _____
12. Total Square Footage of Existing and/or Proposed Buildings 1500
13. Current Zoning on Property _____
14. Deed Book 943 Page No. 317 Group No. _____
15. Is the site subject to a zone change? _____
 If yes, give date of approval _____
16. Have you submitted a Site Plan with this request? _____
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 6/17/19 Fee Received \$632⁰⁰ Receipt # 79618
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**

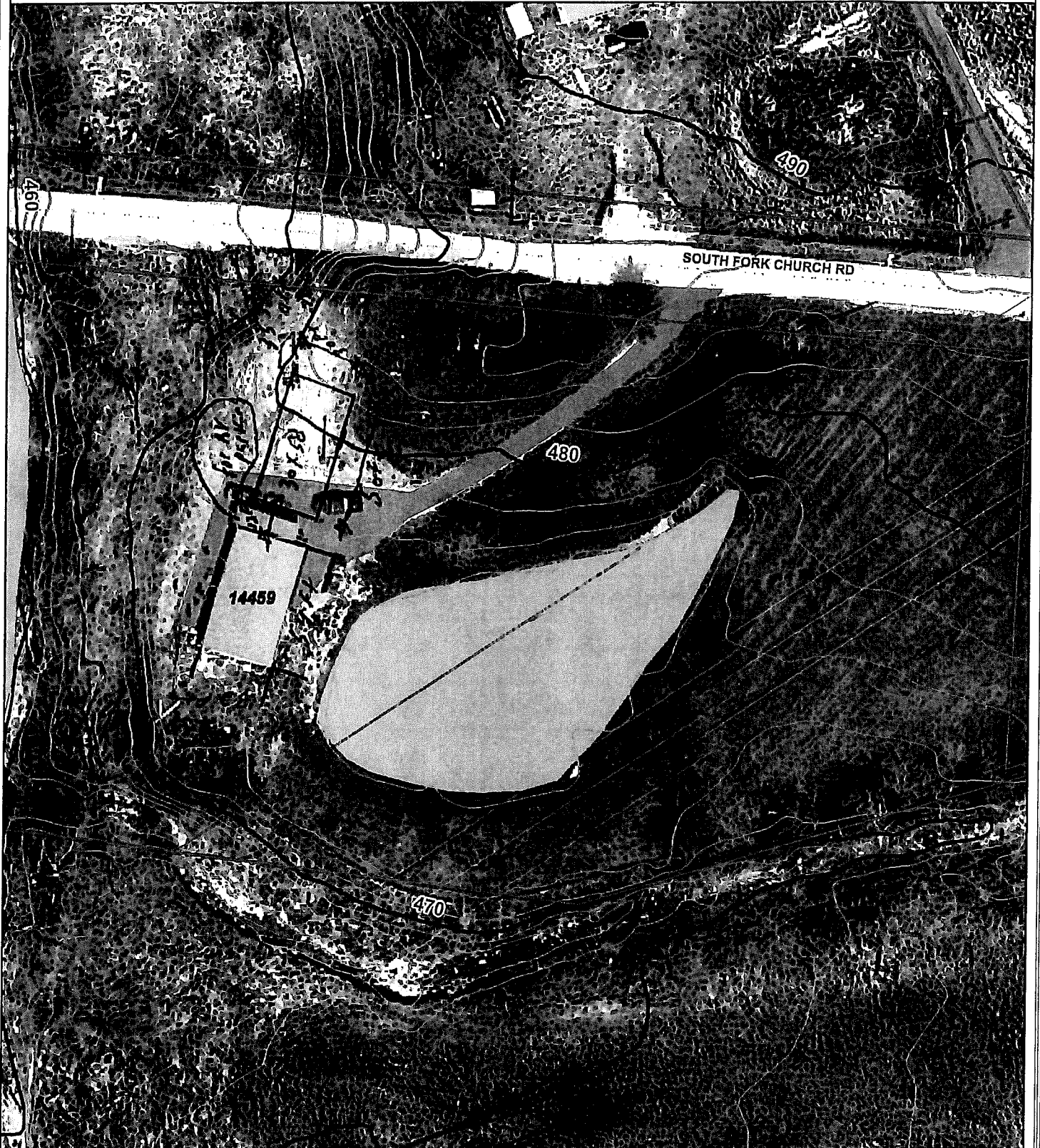
NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

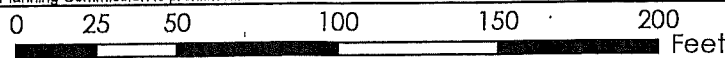
Boone County GIS Map

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1 Inch = 60 feet



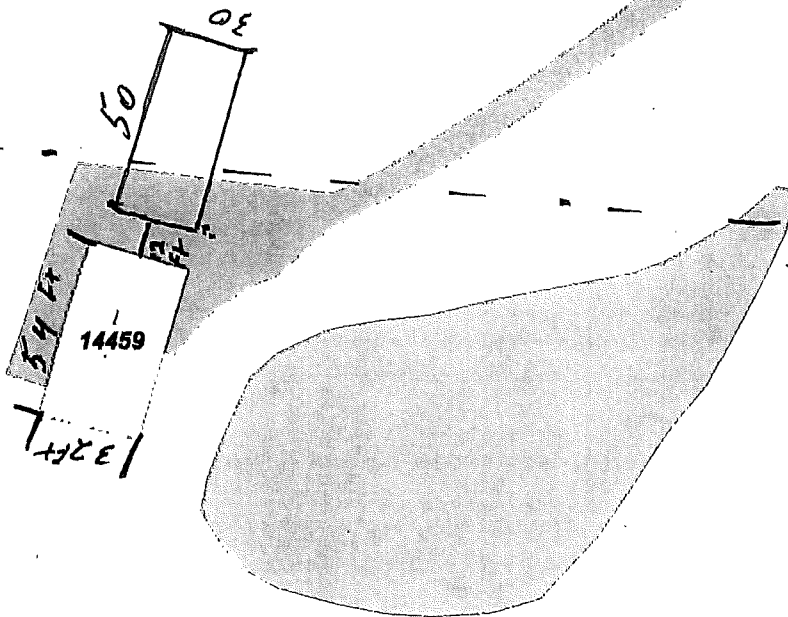
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SOUTH FORK CHURCH RD



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0 25 50 100 150 200 Feet

1 Inch = 60 feet

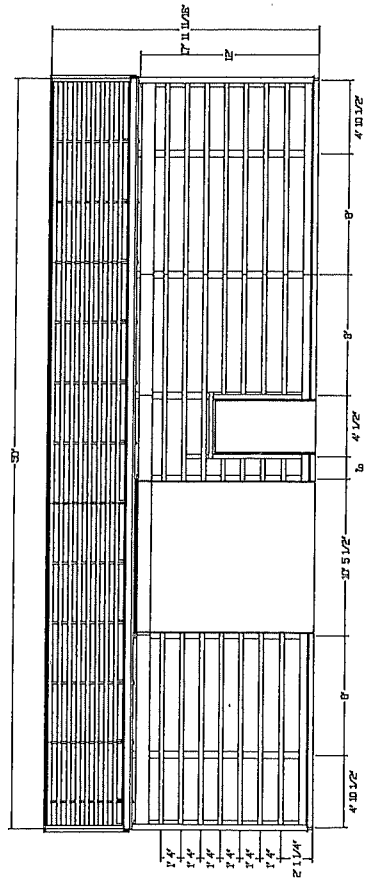
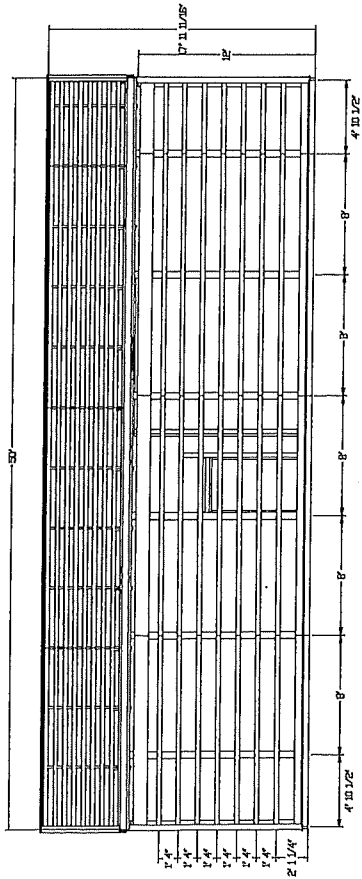
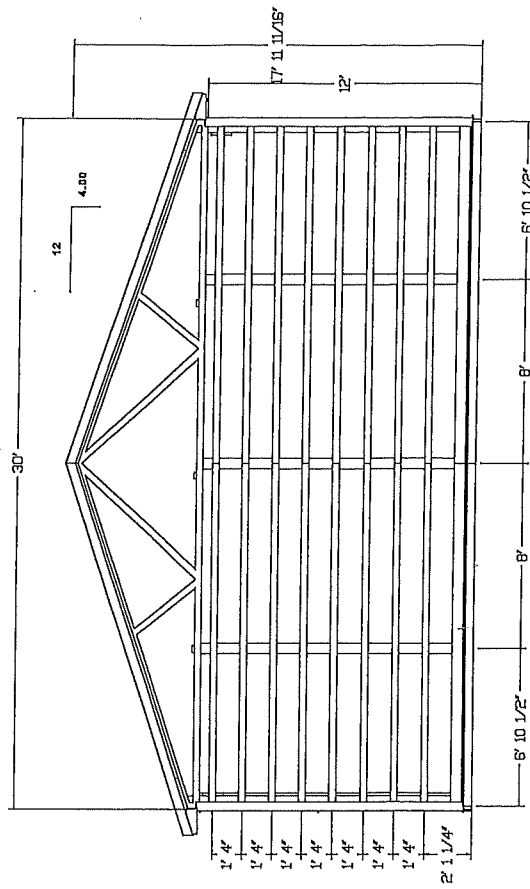
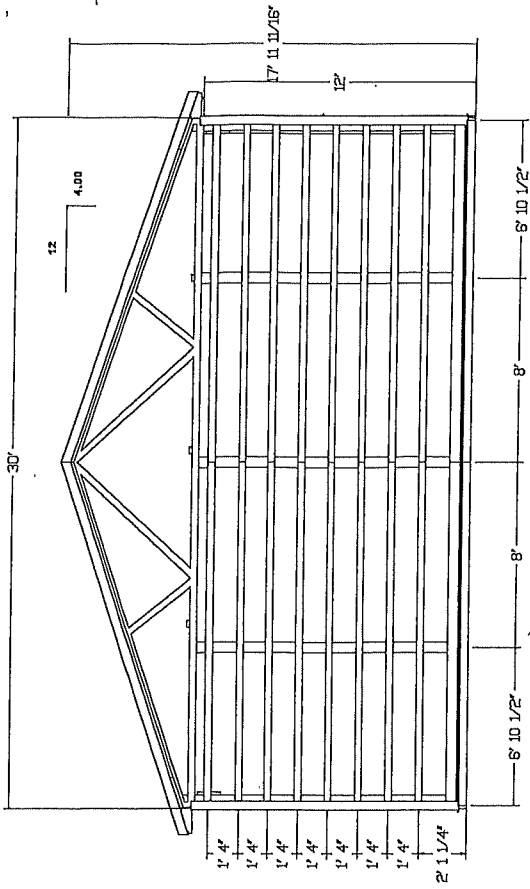


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Boone County GIS
ArcMap Document (*.mxd)

Map Created: xx/xx/2019



4 Elevations	PROJECT: Carter Lumber	PROJECT NUMBER:	
		SHEET NUMBER:	
SCALE: NTS	CUSTOMER --		
DATE: Wednesday, May 15, 2019	BY:		

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Brad Rickels
14459 South Fork Church Road
Verona, KY 41092

2. ADDRESS OF PROPERTY

14459 South Fork Church Road
Verona, KY 41092

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Brad Rickels

4. DEED BOOK 943

PAGE NO. 317

GROUP NO. 2074

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:

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

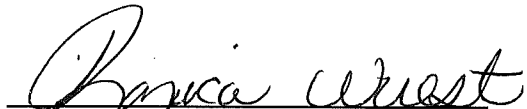
on behalf of the Boone County Planning Commission this 11 day of July, 2019.



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.)